



8920 Fair Oaks Parkway,  
Fair Oaks Ranch, TX 78095

September 26, 2011

*Via Electronic and Overnight Delivery and ECFS*

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, DC 20554

Attn: Joel Gurin, Chief, Consumer & Governmental  
Affairs Bureau, TRS Certification Program

RE: Internet-based TRS Certification Application of BIS Relay, LLC.  
In the Matter of Structure and Practices of the Video Relay  
Service Program, CG Docket No. 10-51

Dear Secretary Dortch and Chief Gurin:

Pursuant to Section 64.606(a)(2) of the Commission's rules, as amended, BIS Relay, LLC ("**BIS**"), hereby submits the attached Internet-based TRS Certification Application of BIS Relay, LLC ("**Application**"), in the Matter of Structure and Practices of the Video Relay Service Program, CG Docket No. 10-51.

By this Application, BIS seeks certification to continue its provision of video relay services by becoming a Telecommunications Relay Service ("**TRS**") Fund reimbursement eligible provider. In support of this request, BIS herein has demonstrated conclusively that it meets - or exceeds - the entirety of the Commission's Mandatory Minimum Standards, those Mandatory Minimum Standards that are currently waived by the Commission to the extent applicable, as noted in DA 11-1159 adopted: June 30, 2011,

as well as those Commission Orders and policies governing the provision of federal Telecommunications Relay Service Fund video relay services (“VRS”) and IP-Relay Services, as amended as of the date first written above.

BIS respectfully requests that its Application be granted on or before October 1, 2011 to ensure that BIS’s provision of TRS services to the public not be interrupted, or, alternatively, that BIS be granted provisional certification on or before October 1, 2011 while the Commission reviews the application submitted herewith.

BIS understands that certain rules adopted by the Commission's recent VRS Practices Second Report and Order (76 FCC Rcd 47469), which require the collection of information by the Commission, may not yet be effective. BIS understands specifically that the Office of Management and Budget ("OMB") may not yet have approved certain rules (including the rule that governs the attached application, Commission Rule 64.606(a)(2)<sup>1</sup>) and must have done so before they can be effective.

BIS files the attached Application so as to ensure its complete and timely compliance with the VRS Second Report and Order. BIS respectfully requests that to the extent that Commission consideration of this Application cannot be conducted prior to the completion of any OMB rule approval process, this Application be held in abeyance pending such approval, and conditional certification of BIS be granted during such time as this application is so held. To the extent the OMB rule approval process has been completed, BIS respectfully requests immediate consideration.

As portions of the Application contain highly confidential and proprietary

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<sup>1</sup> See OMB Control Number: 3060-114, Dated September 16, 2011

information, a Request for Confidential Treatment has also been enclosed, and the confidential portions of the Application (EXHIBITs A, B, C, E, F, G, H and I) have been submitted under seal.

An original and four (4) copies of the redacted version of this Application and BIS' Request for Confidential Treatment are enclosed in the overnight courier copy hereof, along with one (1) original copy of the redacted confidential information provided under seal. Redacted and unredacted copies of the Application have also been made available electronically in links provided in the email in which this has also been transmitted to all addresses.

We respectfully request that you please date-stamp and return the enclosed extra copy of this filing in the enclosed self-addressed stamped envelope. Thank you for your attention to this matter. Any questions may be directed to the undersigned.

Respectfully submitted,

  
Wesley N. Waite, Sr.  
CEO  
BIS Relay, LLC

Enclosure

cc: Mr. Joel Gurin (via electronic delivery, [Joel.Gurin@fcc.gov](mailto:Joel.Gurin@fcc.gov))  
Mr. Greg Hlibok (via electronic delivery, [Gregory.Hlibok@fcc.gov](mailto:Gregory.Hlibok@fcc.gov))  
Mr. David S. Birnbaum (via electronic delivery,  
[David.Birnbaum@BISVRS.com](mailto:David.Birnbaum@BISVRS.com))

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
	)	
Structure and Practices of the	)	CG Docket No. 10-51
Video Relay Service Program	)	
	)	

**Internet-Based TRS Certification Application**

**of**

**BIS RELAY, LLC**

David S. Birnbaum  
President  
BIS Relay, LLC  
8555 16th street, Suite 400  
Silver Spring, MD 20910  
Telephone (VP): 301-768-4293  
Email: David.Birnbaum@BISrelay.net

Wesley N. Waite, Sr.  
CEO  
BIS Relay, LLC  
8920 Fair Oaks Parkway  
Fair Oaks Ranch, TX 78015  
Telephone: 210-698-0500  
Email: Wes.Waite@BISRelay.net

September 26, 2011

## SUMMARY

Pursuant to Section 64.606(a)(2) of the Commission's rules,<sup>2</sup> as amended, BIS Relay, LLC (referred to herein as "**BIS**," "**Company**," or "**Applicant**"), hereby submits to the Federal Communications Commission ("**FCC**" or "**Commission**") its Application for certification that BIS is eligible to receive reimbursement directly from the federal Telecommunications Relay Service ("**TRS**") Fund ("**Fund**") as a provider of Internet-based Video Relay Service ("**VRS**").

A Deaf-owned company, Stuart B. Consultants, Inc., a Maryland corporation d/b/a Birnbaum Interpreting Services ("**Birnbaum**") was formed in the Washington, DC area in 1995, and since then has grown to provide thousands of hours per month of sign language interpreting services to the Deaf and Hard of Hearing community, serving government agencies, healthcare providers, legal and courtroom situations, religious settings, businesses small and large, counseling and psychiatry sessions, theater and entertainment performances, and many other environments. In 2002, recognizing the evolving needs of the Deaf community, Birnbaum began to provide VRS to the public, and has since developed a strong following of dedicated consumers who appreciate the quality oriented approach takes to VRS, which is strongly influenced by the presence of Deaf ownership and management in the company.

Birnbaum recently combined its VRS offerings with those of Interpretel LLC ("**Interpretel**"), itself formed in 2010 by well experienced VRS managers with the intent of providing quality VRS to the public. Interpretel, which since its formation has joined

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<sup>2</sup> 47 C.F.R. §64.606(a)(2).

with multiple successful VRS companies, including CallVRS and TRUVRS, and which was previously involved in the formation of NorthStar Relay, from which it has since withdrawn, combined with Birnbaum, and together, today, they are known as BIS Relay, LLC, and will continue, as a combined company with Deaf ownership, to provide second-to-none VRS to the Deaf community via the website BISVRS.COM.

By the enclosed Application and supporting documentation, as well as the attached officer certifications and assertions made under penalty of perjury, BIS establishes and attests that it meets or exceeds the Mandatory Minimum Standards, pursuant to Section 64.604 of the Commission's rules,<sup>3</sup> complies with all other applicable Commission regulations, Commission orders, and policies, and as such warrants the grant of certification by the Commission to provide compensable VRS to the Public as a Fund eligible provider.

BIS respectfully seeks certification on or before October 1, 2011 so as to provide uninterrupted service to its subscribers and to the Deaf and Hard of Hearing community and public at large, or, alternatively, requests that the Commission grant BIS provisional certification on or prior to that date while this Application is under review.

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<sup>3</sup> 47 C.F.R. §64.604.

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In the Matter of	)	
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Structure and Practices of the	)	CG Docket No. 10-51
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To: Joel Gurin, Chief, Consumer and Governmental Affairs Bureau, TRS Certification Program,  
Federal Communications Commission, Washington, DC 20554

**Internet-Based TRS Certification Application**

**of**

**BIS RELAY, LLC**

Pursuant to Section 64.606(a)(2) of the Commission's rules,<sup>4</sup> as amended, BIS Relay, LLC (referred to herein as “**BIS**,” the “**Company**,” or “**Applicant**”), hereby submits to the Federal Communications Commission (“**FCC**” or “**Commission**”) this Application for certification that BIS is eligible to receive reimbursement directly from the federal Telecommunications Relay Service (“**TRS**”) Fund (“**Fund**”) as a provider of Internet-based Video Relay Service (“**VRS**”).

By this Application BIS conclusively demonstrates that it meets or exceeds the entirety of the Commission’s Mandatory Minimum Standards (“**MMS**”) for VRS pursuant to Sections 64.604,<sup>5</sup> as amended,<sup>6</sup> all other applicable Commission regulations, principally including Sections 64.605<sup>7</sup>

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<sup>4</sup> 47 C.F.R. §64.606(a)(2).

<sup>5</sup> 47 C.F.R. §64.604.

<sup>6</sup> Structure and Practices of the Video Relay Service Program, Report and Order and Further Notice of



and 64.606<sup>8</sup>, as amended<sup>9</sup>, of the Commission's rules, all applicable Commission orders, as well as those waived MMS for the provision of Fund-compensable VRS.

Given the foregoing, BIS respectfully requests that it be certified as a Fund eligible VRS provider.

In support of its Application, BIS Relay, LLC states as follows:

## **I. INTRODUCTION**

A privately held Delaware limited liability company with substantial Deaf ownership and extensive experience providing Internet-based VRS services to the public, BIS is the result of the combination of the VRS offerings of Stuart B. Consultants, Inc., a Maryland corporation d/b/a Birnbaum Interpreting Services (“**Birnbaum**”), which has been providing interpreting services for the Deaf and Hard of Hearing since 1995, and VRS since 2002, and Interpretel LLC, a Delaware limited liability company (“**Interpretel**”), which was formed in 2010 by individuals extensively experienced in the VRS industry.

Combined under the BIS banner, and providing service to the public via Birnbaum’s long standing URLs ([www.bisvrs.com](http://www.bisvrs.com), [www.bisvrs.tv](http://www.bisvrs.tv), as well as [www.bisrelay.net](http://www.bisrelay.net)) the combined entity is fortunate to possess an exceptionally well experienced nationally certified interpreter corps with an extensively experienced and qualified professional management team, as well as with the unique perspective on the provision of VRS afforded by Deaf ownership. This unique perspective

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Proposed Rulemaking, 26 FCC Rcd 5545 (2011) (VRS Practices R&O).

<sup>7</sup> 47 C.F.R. §64.605.

<sup>8</sup> 47 C.F.R. §64.606.

<sup>9</sup> Structure and Practices of the Video Relay Service Program, Second Report and Order, 76 FCC Rcd 47469 (2011)(“VRS Practices Second R&O”)

means that BIS is not just another VRS provider, but rather a provider that is part of the community that VRS is primarily intended to serve.

Birnbaum, owned by David S. Birnbaum, a Deaf individual, has been in the business of integrating hearing communicators and Deaf communicators for well over 15 years. Since 2002 Birnbaum has worked to provide the Deaf and Hard of Hearing communities and the public at large the "human side" of VRS and, partnering with Fund eligible providers, to provide technology and billing functions. Appreciating the fact that there are two sides to communication, whether it is face-to-face or via the internet or a video phone, both sides are equally important. Birnbaum's highly skilled interpreters strive to act as bicultural conduits, professionally conveying meaningful communication to each side of the conversation. Conversations have are been treated with the utmost respect and kept in stringent confidence.

Recognizing the compelling interest the Commission has in regulating reimbursement by the fund and the TRS/VRS industries as a whole, and desiring to take full responsibility as a certified provider regulated directly by the FCC, Birnbaum submitted a VRS AND IP RELAY CERTIFICATION APPLICATION to the Commission on January 14, 2010, under the then-current rules for certification. Since that date the Commission has not acted on that application despite the fact that Birnbaum met all then-current regulatory requirements and therefor believes that it should have been found eligible for certification. As a result of the fact that its previous application remained under Commission review without any action, Birnbaum had no choice but to continue to provide VRS to its subscribers and users through a partnership with an eligible provider.

Determining that the Commission's April 6, 2011 Report and Order and Further Notice of Proposed Rulemaking in this proceeding inter alia established a prohibition on a Fund eligible certified provider entering into any form of arrangement with a Fund ineligible provider (Section

64.604(c)(5)(iii)(N)(1)(iii) of the Commission's rules), yet, conversely, explicitly accorded Fund ineligible providers, such as Birnbaum, who were pursuing Fund eligibility certification, to request a temporary rule waiver, supported by documentation demonstrating the entity's plan and ability to come into compliance with applicable Commission relay services requirements, Birnbaum submitted such a PETITION FOR WAIVER in May, 2011. To BIS' knowledge, that PETITION FOR WAIVER remains pending before the Commission and has not yet been acted upon. In a subsequent ORDER SUSPENDING EFFECTIVE DATE issued and adopted May 31, 2011, the Commission suspended the effectiveness of Section 64.604(c)(5)(iii)(N)(1)(iii) of the Commission's rules until October 1, 2011, creating a need for action on the petition contained herein by that date, and effectively mooted Birnbaum's PETITION FOR WAIVER, which the Commission confirmed in their ORDER DA 11-1542, dated September 13, 2011 (and effective immediately (the "**NorthStar Order**")), in which they denied NorthStar Relay's petition for waiver of Section 64.604(c)(5)(iii)(N)(1)(ii) of the Commission's rules (the "**NorthStar Waiver Request**"), and confirmed that the May 31, 2011 order rendered all companies' requests for waiver of Section 64.604(c)(5)(iii)(N)(1)(iii) of the Commission's rules moot (at least until October 1, 2011).

Since late 2010, Birnbaum has been in serious discussions with Interpretel to combine the two companies' VRS offerings in a desire to provide even better service offerings to the Deaf and Hard of Hearing communities than either company provided separately. Those discussions were concluded in the combination of the two companies in September of 2011.

Interpretel, formed in 2010, was, prior to its combination with Birnbaum, a growing company whose mission is to become the first choice provider in the VRS and IP Relay market. The Company, which was run by individuals with extensive experience in the VRS industry resulting

from their previous employment in a number of roles working with other VRS providers, was formed out of the recognition of the need in the VRS industry for a provider focused more on what is in the best interests of the Deaf/Hard-of-Hearing and hearing communities than it was on its own bottom line. Interpretel's guiding principal focuses on the quality of calls it processes, rather than quantity. By utilizing advanced technology, by partnering during the time its application for certification was pending with high quality certified providers without any record of impropriety, and by employing the most experienced, professional and highly qualified video interpreters, with demonstrated records of compliance and stability, Interpretel worked to ensure the exceptionally high quality of its service.

Part of Interpretel's mission has been to partner with and combine with other like-minded VRS providers. To this end, Interpretel acquired TruVRS as a whole in December, 2010 and CallVRS from Sign Language Access, Inc., its previous owner, in April, 2011. TruVRS had been providing VRS services since January 2010, and CallVRS had been providing VRS since 2008. Recognizing, like Birnbaum, the compelling interest the Commission has in regulating reimbursement by the fund and the TRS/VRS industries as a whole, and desiring to take full responsibility as a certified provider regulated directly by the FCC, CallVRS itself applied for certification by submitting its APPLICATION OF SIGN LANGUAGE ACCESS, INC., D/B/A CALLVRS, FOR CERTIFICATION BY THE COMMISSION AS A VIDEO RELAY SERVICE PROVIDER on March 21, 2011, prior to its combination with Interpretel, under the then-current rules. CallVRS' application was has not been acted on by the Commission, and in light of its combination with Interpretel, CallVRS application may now be moot.

Like CallVRS and Birnbaum, Interpretel has previously applied to the Commission for

certification under the then-current rules, submitting its APPLICATION OF INTERPRETEL LLC FOR CERTIFICATION AS A VIDEO RELAY SERVICE AND IP RELAY SERVICE PROVIDER on April 7, 2011, which application has not been acted upon. Subsequently, Interpretel served as one of the companies constituent (which included a currently certified company that would not be eligible under the Commissions amended rules) in NorthStar Relay at the time that it filed the NorthStar waiver request. Recognizing from conversations held with the Commission even prior to the NorthStar Order that the Commission was unlikely to approve NorthStar's request for waiver of Section 64.604(c)(5)(iii)(N)(1)(ii), and recognizing as such that NorthStar's approach of combining and maintaining several legacy brands was no longer feasible, Interpretel decided not to proceed with NorthStar, and instead sought to and did complete its combination with Birnbaum, becoming part of the BISVRS.com URL and the BIS brand.

By combining the talents and resources of Birnbaum and Interpretel, the companies have ensured that going forward BIS has the Deaf perspective, the technical and operational know-how, the financial resources and the highly skilled interpreters that will ensure that it provides the highest quality VRS in a completely compliant manner. In addition to benefiting from the special perspective on the needs of the Deaf and Hard of Hearing community that is afforded BIS by Deaf ownership, BIS is comprised of talented individuals with substantial experience in working with Deaf and hearing-impaired persons, as well as in the wider telecommunications industry. These individuals form a team that has long remained committed to providing the best and highest quality VRS available, despite an often changing regulatory environment. In the instant application BIS reaffirms that commitment, as well as its commitment to helping to improve TRS as a whole by setting an example of compliance and quality.

With a management team that has a depth and diversity of experience in TRS that is second to none, and a combined track record of well over fifteen years serving the Deaf and Hard of Hearing community, BIS remains prepared to do what it takes to be a VRS provider that gives the Commission comfort as beyond reproach in its provision of VRS to the public and in its interactions with the TRS Fund.

This Application incorporates part of the discussion from Interpretel's previous application, in that where the then current regulations have not since been amended and the Company's compliance also remains unchanged, in addition to providing current information regarding BIS' present compliance under the certification rules as amended.

This Application demonstrates Applicant's compliance with applicable regulations, and BIS affirms that the public interest is well served by granting the application contained herein.

## **II. NARRATIVE AND DOCUMENTATION DEMONSTRATING COMPLIANCE**

### **WITH THE INTERNET-BASED TRS PROVIDER AND TRS PROGRAM**

**CERTIFICATION REQUIREMENTS** (47 C.F.R. §64.606(a)(2); §64.606(a)(1) is inapplicable)

**a. A description of the forms of Internet-based TRS to be provided (i.e., VRS, IP Relay, and/or IP captioned telephone relay service) (47 C.F.R. §64.606(a)(2)(i))**

BIS seeks certification as a Fund eligible provider of Internet-based video relay services, as well as Internet Protocol ("IP") Relay and IP Captioned Telephone Services ("IP CTS"). BIS does not intend to provide other Fund-compensable conventional telecommunications relay services, though BIS has the capability to process such calls if received. BIS affirms that it operates twenty-four hours a day, seven days a week, and three hundred sixty-five days per year.

Using H.323 and SIP-based video calling technology, BIS is able to process calls from hearing, speech disabled, Deaf and Hard of Hearing VRS callers. The platform employed by BIS for the purpose of processing these calls provides full system interoperability, as it is compatible with all VRS devices in current use by the Deaf Community regardless of provider. As a result, consumers can reach BIS' interpreters regardless of their device or software of choice, whether that device is an Android or iOS based mobile device (with front-facing camera), a PC or OSX desktop or notebook computer (using a dedicated CPE client *or* chat software such as AIM or iChat), or a legacy video phone device. BIS embraces a device- and platform-agnostic philosophy, working to ensure that the widest number of end-users can access the services it provides no matter what is their most favored mode of video communication.

**b. A detailed description of how the applicant will meet all non-waived mandatory minimum standards applicable to each form of TRS offered, including documentary and other evidence, and in the case of VRS, such documentary and other evidence shall demonstrate that the applicant leases, licenses or has acquired its own facilities and operates such facilities associated with TRS call centers and employs communications assistants, on a full or part-time basis, to staff such call centers at the date of the application. Such evidence shall include, but not be limited to: (A) In the case of VRS applicants or providers, (47 C.F.R. §64.606(a)(2)(ii)(A))<sup>10</sup>**

- 1. Operating five or fewer call centers within the United States, a copy of each deed or lease for each call center operated by the applicant within the United States (47 C.F.R. §64.606(a)(2)(ii)(A)(1));**

A true and correct copy of each lease for each call center operated by BIS, and related documentation and information, is attached under seal hereto as confidential **EXHIBIT A.**

- 2. Operating more than five call centers within the United States, a copy of each deed or lease for a representative sampling (taking into account size (by number of communications assistants) and location) of five call centers operated by the applicant within the United**

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<sup>10</sup> Evidence of Applicant's complete compliance with the Mandatory Minimum Standards pursuant to 47 C.F.R. §64.606(a)(2)(ii) is set forth in Section III, *infra*.



**States, together with a list of all other call centers that they operate that includes the information required under §64.604(c)(5)(iii)(N)(2)<sup>11</sup> (47 C.F.R. §64.606(a)(2)(ii)(A)(2));**

As BIS currently maintains fewer than five call centers, all of which are within the United States, this provision is inapplicable. BIS affirms that it shall comply fully with the requirements of this provision at such time as it does become applicable. BIS' call centers operate on a redundant, 24/7/365 basis, as discussed below.

- 3. Operating call centers outside of the United States, a copy of each deed or lease for each call center operated by the applicant outside of the United States (47 C.F.R. §64.606(a)(2)(ii)(A)(3));**

As each of BIS' call centers is located within the United States, this provision is inapplicable.

- 4. A description of the technology and equipment used to support their call center functions – including, but not limited to, automatic call distribution, routing, call setup, mapping, call features, billing**

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<sup>11</sup> "*Call center reports*. VRS providers shall file a written report with the Commission and the TRS Fund administrator, on April 1 and October 1 of each year for each call center that handles VRS calls that the provider owns or controls, including centers located outside of the United States, that includes: (a) the complete street address of the center; (b) the number of individual CAs and CA managers; and (c) the name and contact information (phone number and email address) of the manager(s) at the center. VRS providers shall also file written notification with the Commission and the TRS Fund administrator of any change in a center's location, including the opening, closing, or relocation of any center, at least 30 days prior to any such change."

**for compensation from the TRS Fund, and registration -- and for each core call center function, a statement whether such technology and equipment is owned, leased or licensed (and from whom if leased or licensed) (47 C.F.R. §64.606(a)(2)(ii)(A)(4));**

A description of the technology and equipment used to support BIS call center functions – including, but not limited to, automatic call distribution, routing, call setup, mapping, call features, billing for compensation from the TRS Fund, and registration is attached under seal as confidential **EXHIBIT B**. Any and all technology agreements and leases are attached under seal as confidential **EXHIBIT C**.

BIS provides the Deaf and Hard of Hearing communities, and the public as a whole with its TRS services by using a number of different methods of access, as noted in Section II(a) above.

Each of these methods of access makes use of an Automatic Call Distribution ("**ACD**") platform and software running on dedicated servers owned or leased by BIS and residing in secure corporate data hosting facilities (the "**PLATFORM**" or "**BIS PLATFORM**"). This customizable ACD Platform, which serves both H.323 and SIP calls, has been leased, licensed and implemented by the Company, and generates the call routing, setup, mapping, in-call features and billing data for each call placed and processed by BIS. The ACD software necessary to accommodate VRS on portable devices and chat platforms is also provided within the same ACD system.

In addition, BIS has service agreements in place with Voice over Internet Protocol ("VoIP") provider(s) to address the Platform's need to place outbound voice calls and who have relationships with incumbent local exchange carriers enabling the acquisition of local 10 digit numbers for its registered users. See confidential **EXHIBIT C** for VoIP provider Agreements.

Emergency call processing for the BIS platform is resolved by the use of services provided by an Emergency Routing Service that supports VoIP deployments according to FCC, Canadian Radio and Television Commission ("CRTC"), and National Emergency Number Association ("NENA") i2 standards and is described in detail in confidential **EXHIBIT F**. Corresponding agreements are included in confidential **EXHIBIT C**.

5. **Proofs of purchase, leases or license agreements for all technology and equipment used to support their call center functions, including a complete copy of any lease or license agreement for automatic call distribution. (47 C.F.R. §64.606(a)(2)(ii)(A)(5));**

Proofs of purchase, leases or license agreements for any and all technology and equipment used to support BIS' call center functions, including a complete copy of any applicable agreements for automatic call distribution, are included in confidential **EXHIBIT C**, filed under seal.

- c. **For all applicants, a list of individuals or entities that hold at least a 10 percent**

**equity interest in the applicant, have the power to vote 10 percent or more of the securities of the applicant, or exercise de jure or de facto control over the applicant, a description of the applicant's organizational structure, and the names of its executives, officers, members of its board of directors, general partners (in the case of a partnership), and managing members (in the case of a limited liability company) (47 C.F.R. §64.606(a)(2)(ii)(B));**

The details of BIS' ownership, organizational structure, and the names of its executives, officers, members of its board and managing members are set forth in the attached confidential **EXHIBIT E**, filed under seal.

- d. For all applicants, a list of the number of applicant's full-time and part-time employees involved in TRS operations, including and divided by the following positions: executives and officers; video phone installers (in the case of VRS), communications assistants, and persons involved in marketing and sponsorship activities (47 C.F.R. §64.606(a)(2)(ii)(C));**

A list of applicant's full-time and part-time employees involved in TRS operations, BIS employment figures and positions are attached hereto as part of confidential **EXHIBIT E**, filed under seal.

- e. For all applicants, copies of employment agreements for all of the provider's employees directly involved in TRS operations, executives, and communications assistants, and a list of names of employees directly involved in TRS operations, need not be submitted with the application, but must be retained by the**

**applicant for five years from the date of application, and submitted to the Commission upon request (47 C.F.R. §64.606(a)(2)(ii)(D)); and**

BIS currently maintains, and affirmatively acknowledges its ongoing obligation to maintain, copies of employment agreements for all of employees directly involved in TRS operations, including executives, and communications assistants, and maintains a list of names of employees directly involved in TRS operations.

As a matter of policy BIS also maintains copies of all employment agreements not directly involved in TRS operations. BIS further commits to retain copies of all employment agreements for a minimum period of five years from the date of its Application, and is prepared to provide copies of such employment agreements and a list of all employees to the Commission upon request, regardless of whether or not such employees are or were directly involved in TRS operations.

- f. For all applicants, a list of all sponsorship arrangements relating to Internet-based TRS, including any associated written agreements**  
(47 C.F.R. §64.606(a)(2)(ii)(E));

From time to time BIS does, has, and will continue to sponsor Deaf-oriented events, and has contributed to worthy causes on an *ad hoc* basis. At this time BIS does not maintain ongoing sponsorship of any specific organizations or events relating to Internet-based TRS. Accordingly the Company has no applicable written agreements.

At such time as BIS enters into any such arrangements BIS affirmatively

commits to maintain a list thereof, as well as to maintain any associated written agreements indefinitely, and commits to submit such agreements to the Commission upon the Commission's request.

**g. A description of the provider's complaint procedures.**

(47 C.F.R. §64.606(a)(2)(iii) and 64.606(b)(2)(ii));

BIS steadfastly maintains that engaged, timely and effective consumer complaint resolution is key to maintaining a high level of consumer satisfaction, which in turn is key to serving the purpose for which the TRS fund was established. Customer service is a top priority, as is being available and accessible to consumers, subscribers and members of the Public. Complaints may be registered with BIS via the following channels:

- Phone: 1-877-247-8749
- Video Phone: BISVRSHELP.tv or  
BISVRS.tv
- Web: [www.BISRelay.net](http://www.BISRelay.net) or  
[support.bisrelay.net](http://support.bisrelay.net)
- Email: [support@BISRelay.net](mailto:support@BISRelay.net)
- Mail: BIS Relay, LLC  
P.O. Box 833  
Boerne, TX 78006
- Twitter: @BISRelay

BIS has the ability to receive customer complaints via the following channels:

- Interpreters
- Customer Service
- Management
- The Company's main website
- The Company's dedicated support website
- Via Social media such as Twitter and Facebook

All complaints are logged into BIS' online complaint ticketing system, the records of which shall be forwarded as required to the FCC.

The BIS complaint handling process gathers the following complaint information, and records it in the Company's complaint ticketing system for Commission and internal reporting processes as well as so as to ensure the quick and effective resolution of complaints:

- Ticket number of complaint
- Name, of complaining party
- Email address, of complaining party
- IP Address of VP (if applicable)
- Telephone number (if applicable)
- Date and time of complaint
- Date and time of underlying incident
- Nature of complaint

- Technical information relevant to complaint
- Steps taken to produce issue
- Steps taken by consumer to resolve issue
- Name of person taking complaint or media channel of complaint (as applicable)
- Attempted steps taken to resolve issue
- Successful steps taken to resolve issue
- Date and time of complaint resolution
- Date and time of follow-up with complaining party
- Manager review
- Senior management review
- Date and time of complaint resolution
- Date and time ticket closed

As necessary, all available documentation, including interpreter schedules and Call Detail Records (CDRs) are used in reviewing and reaching resolution of the complaint. The Manager with the responsibility to investigate the complaint takes all proper and necessary steps during the investigation, which may include but are not limited to interviewing all parties involved in the incident giving rise to the complaint. If the complaint is reported to an interpreter, if necessary, the call is transferred to Customer Service or Technical Support, which creates a trouble report ticket. If the call does not need to be routed to customer service, the interpreter creates the trouble ticket. If the complaint is Technical in nature, the Company's Technical Support Team handles that complaint.



If the complaint is service-related in nature, that complaint is escalated to Management with the VP of Operations being the first contact point.

If the complaint is of a technical nature or service related then the complaint is initially handled by the company's Customer Service/Technical Support group who fill out a technical trouble ticket. Management on a daily basis reviews all new or updated trouble tickets.

If the complaint is in regard to an interpreter, the complaint is handled first by the Manager on Duty then referred to Management.

If the complaint is of a general company nature senior management handles the complaint.

Management and Customer Support document the complaint, the steps taken to reach resolution and the resolution outcome. Resolution is reported back to Management, which reviews the complaint and resolution and determines if the complaint can be closed out. Customer Support or Management will make contact with the originator of the complaint and update them on the outcome and disposition taken. Management reviews all open complaints to ensure that they are resolved in a timely manner, including response to the complainant as necessary.

- h. **A statement that the provider will file annual compliance reports demonstrating continued compliance with these rules.**(47 C.F.R. §64.606(a)(2)(iv));

BIS affirms that it will file annual compliance reports demonstrating continued compliance with Commission rules at such time and in such manner as

the Commission dictates. A statement of compliance is attached hereto as **EXHIBIT D.**

**i. Assessment of Internet-Based Provider Certification Application** (47 C.F.R. §64.606(a)(3));

BIS affirmatively acknowledges that pursuant to Section 64.606(a)(3) of the Commission's Rules, in order to assess the merits of a certification application submitted by an Internet-based TRS provider, the Commission may conduct one or more on-site visits of the applicant's premises, to which the applicant must consent.

BIS is prepared, upon reasonable notice, to welcome the Commission or Staff to BIS' premises at any time and have all such documentation as the Commission may reasonably request to demonstrate the representations made herein, and the Company's compliance with the Commission's MMS and additional requirements.

**j. Substantive Changes** (47 C.F.R. §64.606(f)(2))<sup>12</sup>

BIS affirmatively acknowledges its obligation as a certified VRS provider to notify the Commission of substantive changes to the Company's TRS programs, services, and features within 60 days (or such shorted deadline as may be required by Commission Rules) of when such changes occur, and further commits to meet such

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<sup>12</sup> Sections 64.606(b), *Requirements for state certification*, 64.606(c), *State certification period*, 64.606(d), *Method of funding*, and 64.606(e), *Suspension or revocation of state certification*, are either inapplicable or require no response or acknowledgement. Section 64.606(f)(l) governing state notifications is inapplicable.

requirement during the period that the application made herein remains pending. As an integral part of any such notifications, the Company shall correctly certify that its operations continue to meet federal MMS after implementing the substantive change that gives rise to such notification, or the Company shall refrain from making such change.

BIS affirms that it understands that substantive changes subject to such notification requirement include: (a) the use of new equipment or technologies to facilitate the manner in which relay services are provided; (b) providing services from a new facility not previously identified to the Commission or the Fund administrator; and (c) the discontinuation of service from any facility previously used by the Company.

Finally, BIS intends that this application serve as notification to the commission of the Combination of Birnbaum and Interpretel described herein.

**k. Annual Reporting (47 C.F.R. §64.606(g))**

BIS affirmatively acknowledges its obligation as a certified VRS provider to file with the Commission, on an annual basis, a report demonstrating that BIS is in compliance with Section §64.604 of the Commission's Rules, in such manner and at such time as the Commission designates, and further commits to meet such requirement during the period that the application made herein remains pending. BIS acknowledges that Such reports must update the information required in paragraph 47 C.F.R. §64.606 (a)(2) and include any associated updated documentation and a summary of the updates, or certify that there are no changes to the information and documentation submitted with this application for certification, any subsequent application for renewal of certification,

or the most recent annual report made by BIS, as applicable.

BIS' certification of its compliance is attached hereto as **EXHIBIT D**.

**I. Unauthorized Service Interruptions** (47 C.F.R. §64.606(h))

BIS affirmatively acknowledges its obligation as a certified VRS provider to, and affirms that it will, "provide Internet-based TRS without unauthorized voluntary service interruptions."

In the event that BIS must interrupt service for a period of 30 minutes or more in duration the Company commits to submit a written request to the Commission's Consumer and Governmental Affairs Bureau ("**CGB**") at least 60 days prior to any such planned service interruption, with detailed information regarding such planned service interruption required pursuant to subsections 64.606(h)(2)(i), (ii), and (iii).

Further, in the event of unforeseen service interruptions due to circumstances beyond BIS' control, or if a voluntary service interruption is less than 30 minutes in duration, BIS will submit a written notification to the CGB within two business days of the time such service interruption commences. Such written notification shall include an explanation of when and how BIS has restored service or an explanation of its plan to do so imminently, as well as an explanation of the cause of the underlying interruption. In the event BIS has not restored service at the time such report must be filed, the Company will submit a second report within two business days of the restoration of service with an explanation of when and how it has restored service, as well as an explanation of the cause of the underlying interruption.

BIS will also provide notification of service outages covered by this paragraph to

consumers on a frequently and timely updated and accessible website, and via social media channels.

BIS affirmatively acknowledges that if it fails to obtain prior Commission authorization for a voluntary service interruption or fails to provide written notification after a voluntary service interruption of less than 30 minutes in duration, or fails to provide written notification after the commencement of an unforeseen service interruption due to circumstances beyond its control in accordance with the above, the Company may be subject to revocation of its certification, suspension of payment from the TRS Fund, or other enforcement action by the Commission and / or the Fund administrator, as appropriate.

### **III. MANDATORY MINIMUM STANDARDS COMPLIANCE (47 C.F.R. §64.606(a)(2)(ii))**

Section 64.604(a) of the FCC's rules, as amended, establishes operational, technical, and functional Mandatory Minimum Standards governing the provision of VRS. As set forth below, BIS maintains that it meets or exceeds the entirety of the Commission's Mandatory Minimum Standards for the provision of Fund compensable TRS and therefore merits Commission certification to draw compensation from the federal TRS Fund as a Fund eligible provider.

#### **a. Operational Standards**

##### **1. Communications Assistant ("CA")-Training (47 C.F.R. §64.604(a)(1)).**

**Standard (i): "TRS providers are responsible for requiring that all CAs be sufficiently trained to effectively meet the specialized communications needs of individuals with hearing and speech disabilities."**

**BIS Demonstration of Compliance:** BIS believes that ensuring our interpreters have the best training is central to the purposes of the TRS fund. High quality interpreting is ensured with an extensive pre-hiring screening process, as well as with ongoing professional development education. BIS hires interpreters that have at least of 8 years interpreting experience, preferably with extensive VRS experience, and a minimum of a CI/CT certification. Candidates are screened for language proficiency (both signed and spoken), language certification(s), interpreting proficiency and familiarity with Deaf Culture.

In addition to ensuring that interpreters are properly trained before hiring, BIS supports and encourages ongoing training throughout an interpreter's career, and is

developing a professional development curriculum to formalize its ongoing training efforts. A copy of the Company's Employee Handbook, as well as certain training materials, is attached hereto under seal as confidential **EXHIBIT H**.

**Standard (ii): "CAs must have competent skills in typing, grammar, spelling, interpretation of type written ASL, and familiarity with hearing and speech disability cultures, languages and etiquette. CAs must possess clear and articulate voice communications."**

**BIS Demonstration of Compliance:** Prior to their hiring, interpreter applicants are screened for proficiency in their typing ability, their signed and spoken grammar, spelling, interpretation of type written ASL, familiarity with Deaf culture and all hearing and speech disability cultures, languages and etiquette. They are further tested to ensure that they can clearly and articulately communicate by voice. As a result of BIS stringent pre hiring requirements with regard to experience and certification, BIS interpreters are easily able to meet these requirements. All CA's are monitored to ensure these skills are maintained, and periodic testing further ensures that all interpreters continue to meet these requirements as time progresses. . Where it is necessary, additional training is provided to CA's to maximize their skills and abilities in areas where they may display weakness.

**Standard (iii): "CAs must provide a typing speed of a minimum of 60 words per minute. Technological aids may be used to reach the required typing speed. Providers must give oral-to-type tests of CA speed."**

**BIS Demonstration of Compliance:** All BIS interpreters are pre-screened to ensure

that they are capable of typing at a speed of at least 60 words per minute, without the assistance of technological aids. Monitoring and periodic testing ensures that this requirement is met by all interpreters at all times. Where it is necessary, additional training is provided to CA's to maximize their skills and abilities in areas where they may display weakness.

**Standard (iv): "TRS providers are responsible for requiring that VRS CAs are qualified interpreters. A "qualified interpreter" is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary."**

**BIS Demonstration of Compliance:** All BIS CAs possess at a minimum a RID CI/CT certification. CAs are screened prior to their hiring so as to ensure that they are able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Reference materials are provided upon request to assist in the usage of specialized vocabulary. Interpreters are instructed to transfer a call at its initiation if they for any reason are concerned that they shall not be able to remain impartial, and to report such need to transfer to their supervisor, who records the transfer in the company's support ticket log. Monitoring and periodic testing ensures that all interpreters meet this requirement at all times. Where it is necessary, additional training is provided to CA's to maximize their skills and abilities in areas where they may display weakness.

**Standard (v): "CAs answering and placing a TTY-based TRS or VRS call must stay**



**with the call for a minimum of ten minutes. CAs answering and placing an STS call must stay with the call for a minimum of fifteen minutes."**<sup>13</sup>

**BIS Demonstration of Compliance:** All BIS interpreters have been performance reviewed to ensure that they are capable of staying with a call for at least 15 minutes, and have been instructed that it is both a Company policy and a Commission requirement that once initiated they remain on a given call for a minimum of 10 minutes, or 15 minutes for STS calls, unless extreme or urgent circumstance make doing so impossible.

The Company undertakes to note in its trouble ticket log whenever an interpreter is unable to remain with a call for the minimums set forth above.

**Standard (vi): "TRS providers must make best efforts to accommodate a TRS user's requested CA gender when a call is initiated and, if a transfer occurs, at the time the call is transferred to another CA."**

**BIS Demonstration of Compliance:** BIS is, depending on interpreter availability, able to satisfy a TRS user's requested CA gender by way of its ability to transfer a call between interpreters. The Company's internal instant messaging application, as well as the interpreting console itself, indicates the gender of interpreters available to accept a transfer, further assisting CAs in accommodating TRS users' gender requests.

**Standard (vii): "TRS shall transmit conversations between TTY and voice callers in**

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<sup>13</sup> Applicant notes that Speech-to-Speech ("STS") calling requirements have been waived indefinitely. *2004 TRS Report and Order*, at paras. 138 & 139.

real time.”<sup>14</sup>

**BIS Demonstration of Compliance:** BIS CAs are pre screened and performance reviewed to ensure their ability to transmit conversations between TTY and voice callers in real time. All CA’s are monitored to ensure these skills are maintained, and periodic testing further ensures that all interpreters continue to meet these requirements as time progresses. . Where it is necessary, additional training is provided to CA’s to maximize their skills and abilities in areas where they may display weakness.

**2. Communications Assistant ("CA") – Confidentiality and conversation content. (47 C.F.R.§64.604(a)(2)).**

**Standard (i): "Except as authorized by section 605 of the Communications Act, 47 U.S.C.605, CAs are prohibited from disclosing the content of any relayed conversation regardless of content ... from keeping records of the content of any conversation beyond the duration of a call, even if to do so would be inconsistent with state or local law..... The CA may retain the information only for as long as it takes to complete the subsequent calls."**

**BIS Demonstration of Compliance:** As a part of a CA’s initial and ongoing training, it is made exceptionally clear that maintaining confidentiality is a mandatory requirement for all conversations, and that CAs are prohibited from disclosing the content of any relayed conversation regardless of content, either during or after a call. Failure to comply with this requirement is grounds for immediate dismissal.

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<sup>14</sup> Standard (vii) governing TTY services is effectively inapplicable in light of the nature of the Company's services. BIS has not to date received any TTY calls.

CAs are further trained that they are prohibited from keeping records of the content of any conversation beyond the duration of a call, even if state or local law might otherwise require them to retain such information. Where there is a need to write down a number of other items so as to verify and or transmit it during the course of a call, CAs are provided with a dry eraser white board that they can use for that purpose, and instructed that they must erase all recorded information after the completion of a call. "Scratch" fields available to an interpreter on the interpreting console during a call are automatically expunged at the completion of the call.

**Standard (ii): "CAs are prohibited from intentionally altering a relayed conversation and, to the extent that it is not inconsistent with federal, state or local law regarding use of telephone company facilities for illegal purposes, must relay all conversation verbatim unless the relay user specifically requests summarization, or if the user requests interpretation of an BIS call. An STS CA may facilitate the call of an STS user with a speech disability so long as the CA does not interfere with the independence of the user, the user maintains control of the conversation, and the user does not object. Appropriate measures must be taken by relay providers to ensure that confidentiality of VRS users is maintained."**

**BIS Demonstration of Compliance:** Since its inception, and since that of its predecessors, BIS has complied with these minimum standards and will continue to do so in the future. As a matter of policy and practice, BIS CAs are strictly prohibited from disclosing the contents of any relayed conversation, keeping records of the content of

calls beyond their duration, and/or intentionally altering a relayed conversation.<sup>15</sup>

BIS ensures that all conversations are translated verbatim unless directed otherwise by the callers, as is required by the Commission's rules.<sup>16</sup> BIS engages in ongoing education and professional development of its CAS, and through its comprehensive training and supervision programs and practices will ensure that its CAs and all BIS personnel adhere to these obligations, as well as meeting and exceeding all FCC minimum standards regarding confidentiality and conversation content.

### **3. Types of Calls (47 C.F.R. §64.604(a)(3));**

**Standard (i): "Consistent with the obligations of telecommunications carrier operators, CAs are prohibited from refusing single or sequential calls or limiting the length of calls utilizing relay services."**

**BIS Demonstration of Compliance:** Since its inception, and that of its predecessors BIS has not, and will not, refused any calls or in any way limited the length of any calls. All calls, including long distance calls, are and will continue to be completed without charge to the consumer. Any related charges are absorbed by BIS. While BIS does not currently expect to process all types of calls that have been waived by the FCC, as set forth below, BIS commits to process those types of calls when those waivers expire, and is currently capable of processing many of such calls.

**Standard (ii): "Relay services shall be capable of handling any type of call normally provided by telecommunications carriers unless the Commission determines that it is**

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<sup>15</sup> 47 C.F.R. §64.604(a)(2).

<sup>16</sup> *Id.*

**not technologically feasible to do so. Relay service providers have the burden of proving the infeasibility of handling any type of call."**<sup>17</sup>

**BIS Demonstration of Compliance:** BIS' VRS platform, as set forth in **EXHIBIT B** is designed to process a wide variety of relay calls. At this time there are no known TRS call types that BIS would not be able to accommodate. BIS does not bill subscribers or called parties for any calls. Therefore BIS has no, and has no need of any alternative-billing for calls such as person-to-person, reverse bill, or third-party billed typically placed as operator-assisted calls. BIS chooses to absorb certain costs related to many types of calls normally provided by telecommunications carriers, including but not limited to long distance and international calls.

**Standard (iii): "Relay service providers are permitted to decline to complete a call because credit authorization is denied."**

**BIS Demonstration of Compliance:** Pursuant to its obligations to remain eligible for the Equal Access to interexchange Carrier waivers for VRS providers, BIS absorbs any related costs and does not charge users for any call, and therefore does not conduct credit authorizations or checks of any sort when providing TRS, this standard does

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<sup>17</sup> Types of Calls requirements were waived in the January 1, 2009. 2004 TRS Report and Order, para 113 through 115. "The waivers of certain TRS mandatory minimum standards for VRS and IP Relay will expire on January 1, 2009, except the waiver of the speed dialing requirement for VRS, which will expire on April 30, 2008." See, e.g. *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Order, DA 07-5098 (Dec. 26, 2007) ("Extension Order"); See also *Telecommunications Relay Services and Speech-to-Speech Services for Individuals With Hearing and Speech Disabilities*, CG Docket 03- 123, DA 07-098; DA 08-45; *In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities E911 Requirements for IP-Enabled Service Providers*, CG Docket 03-123 and WC Docket No. 05-196, *Report and Order*, FCC 08-78 (Mar. 19, 2008).

not apply.

**Standard (iv): "Relay services shall be capable of handling pay-per-call calls."**

**BIS Demonstration of Compliance:** CAs are able to convey credit or debit card information on behalf of the caller by interpreting the information in the normal conduct of a TRS call, and as such BIS has the ability to accept pay-per-call calls. As is the case with any and all confidential information conveyed in a call, such information is transmitted only, and not retained or recorded in any way by BIS.

**Standard (v): "TRS providers are required to provide the following types of TRS calls:**

**(1) Text-to-voice and voice-to-text; (2) VCO, two-line VCO, VCO-to-TTY, and VCO-to-VCO; (3) HCO, two-line HCO, HCO-to-TTY, HCO-to-HCO."**<sup>18</sup>

**BIS Demonstration of Compliance:** BIS' VRS platform, as described in **EXHIBIT B** and elsewhere herein, possesses the capability to support each of the types of calls required under this standard. The platform supports Voice Carry Over ("VCO") and Hearing Carry Over ("HCO"). Using VCO allows a user to speak directly to the person he or she is calling and receiving responses through the CA and vice-versa. The platform also supports each of VCO-VCO calls, VCO-HCO calls, and Two-Line VCO calls. Using the

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<sup>18</sup> This standard is extended through July 1, 2012 conditioned upon the filing of a status report due April 16, 2012, detailing the progress made in complying with the requirement to provide the following services. *See, In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities E911 Requirements for IF-Enabled Service Providers*, Docket Nos. CG Docket No. 03-123 and WC Docket No. 05-196, *Order*, DA 11-1159, (Jun. 30, 2011) ("2011 VRS Waiver Extension Order").

("HCO") capability, an individual can listen to the called party and respond to the CA, in turn the CA responds to the called party and vice-versa. HCO users are able to hear the call set-up, ringing, and the called party answering the telephone. BIS supports HCO-HCO calls, HCO-VCO calls, and Two-Line HCO calls.

**Standard (vi): "TRS providers are required to provide the following features: (1) Call release functionality; (2) speed dialing functionality; and (3) three-way calling functionality."**

**BIS Demonstration of Compliance:** Call release functionality is provided on the BIS Platform by the ability of callers, called parties and CAs to release calls immediately. In each case, the party wishing to release the call is able to immediately disconnect via the device they are employing to participate in the call, be it a telephone, a VRS software CPE application or stationary or portable device for users, or the Platform interpreting console software used by BIS CAs.

In addition, the BIS Platform CPE application software inherently allows for speed dialing once the called number is input into the calling screen. BIS CAs have the ability to initiate three-way and if needed four-way calls at will using the BIS Platform interpreting console.

**Standard (vii): "Voice mail and interactive menus. CAs must alert the TRS user to the presence of a recorded message and interactive menu through a hot key on the CAs terminal. .... Relay providers shall electronically capture recorded messages and retain them for the length of the call. Relay providers may not impose any charges for**

**additional calls, which must be made by the relay user in order to complete calls involving recorded or interactive messages;" and**

**Standard (viii): "TRS providers shall provide, as TRS features, answering machine and voice mail retrieval."**

**BIS Demonstration of Compliance:** BIS is capable of offering all callers the option to leave a message if the called party is not available, or if the caller otherwise desires. Hearing are able to leave messages that are transmitted to the called party using Sign Language messages that are recorded on video for later viewing.

**4. Handling of emergency calls. (47 C.F.R. §64.604(a)(4) and amended Section 64.605).**

**1. 47 C.F.R. §64.604(a)(4) Requirements:**

**Standard: "(4) Emergency call handling requirements for TIY-based TRS providers. TTY-based TRS providers must use a system for incoming emergency calls that, at a minimum, automatically and immediately transfers the caller to an appropriate Public Safety Answering Point (PSAP). An appropriate PSAP is either a PSAP that the caller would have reached if he had dialed 911 directly, or a PSAP that is capable of enabling the dispatch of emergency services to the caller in an expeditious manner."<sup>19</sup>**

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<sup>19</sup> See *Telecommunications Relay Services And Speech-to-Speech Services For Individuals With Hearing And Speech Disabilities, E911 Requirements For IP-Enabled Service Providers*, CG Docket No. 03-123, WC Docket No. 05-196, *Report and Order*, 23 FCC Rcd 5255 (Mar. 19, 2008) ("*Interim Emergency Call Handling Order*"), FCC 08-78, amended *Telecommunications Relay Services And Speech-to-Speech Services For Individuals With Hearing And Speech Disabilities, E911 Requirements For IF-Enabled Service Providers*, CG Docket No. 03-123, WC Docket No. 05-196, *Order*, FCC 08-210, (rel. Sep. 19, 2008), Appendix B.



**"Our rules require TRS providers to automatically and immediately transfer emergency calls to an appropriate public safety answering point (PSAP).<sup>20</sup> The VRS Waiver Order granted VRS providers a two-year waiver of this requirement, but also required VRS providers to clearly explain on their website and in any VRS promotional materials "the shortcomings and potential dangers of using VRS to place an emergency call using 911."<sup>2122</sup>**

**"In the *Interim Emergency Call Handling Order*, the Commission terminated the temporary waivers of the emergency call handling rule, effective May 21, 2008, for VRS, IP Relay, and IP CTs in light of the "present imperative to provide Internet-based TRS users a reliable means of accessing emergency services."<sup>23</sup> The Commission required Internet-based TRS providers to "accept and handle emergency calls" and to access, either directly or via a third party, a commercially available database that will allow the provider to determine an appropriate PSAP, designated statewide default answering point, or appropriate local emergency authority that corresponds to the caller's location, and to relay the call to that entity. Further, the Commission promulgated the following Standards under Section 64.605, as amended by the Commission's June 2008 *Report and Order and Further Notice of Proposed Rulemaking*.<sup>24 25</sup>**

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<sup>20</sup> See 47 C.F.R. § 64.604(a)(4); see also, *Second Improved TRS Order & NPRM* at 37-42.

<sup>21</sup> *VRS Waiver Order* at 14.

<sup>22</sup> 2004 *TRS Report and Order*, 116, footnotes from original.

<sup>23</sup> *Interim Emergency Call Handling Order*, para. 16.

<sup>24</sup> *Id.*; 47 C.F.R. § 64.605 (regarding additional operational standards applicable to Internet-based TRS).

<sup>25</sup> See, e.g. *In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities E911 Requirements for IF-Enabled Service Providers*,

**BIS Demonstration of Compliance:** BIS' compliance focuses on the amended provisions of Section 64.605(b) governing emergency call handling requirements for VRS providers, and related requirements for Internet-based TRS Registration promulgated under Sections 64.611<sup>26</sup> and 52.34<sup>27</sup> applicable to Internet-Based TRS providers adopted under the *Interim Emergency Call Handling Order and Report and Order and Further Notice of Proposed Rulemaking*, addressed further below. BIS' calling platform has been designed to comply with Section 64.605(b) for emergency call. In 2010, BIS processed eight (8) emergency 911 calls without incident.

The BIS' platform is programmed to ensure that emergency or "E911" calls are immediately placed first in the queue so as to be answered by the next available CA. Staffing and scheduling within BIS is designed to provide for N+1 interpreters at all times, so that there should always be at least one interpreter idle and ready to take a call. Furthermore, customer and tech support personnel that are also trained interpreters are able to supplement the interpreter pool, and also receive emergency calls at top of queue. This call routing structure is designed specifically to ensure that emergency calls are answered as quickly as possible, in nearly every case without any delay.

Further details related to the handling of emergency or E911 calls are set forth under seal in Confidential **EXHIBIT F**.

BIS informs subscribers of the process for and limitations of placing emergency VRS E911 calls by way of promotional materials, BIS' (at <http://bisrelay.net/small-print/e->

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CG Docket No. 03-123 and WC Docket No. 05-196, *Report and Order and Further Notice of Proposed Rulemaking*, FCC 08-151 (Rel. June 24, 2008) ("*Report and Order and Further Notice of Proposed Rulemaking*").

<sup>26</sup> 47 C.F.R. §64.611, as amended.

<sup>27</sup> 47 C.F.R. §52.34.

911-and-ten-digit-dialing-advisory/) and when users access BIS' VRS platform via the Internet.

## **2. §64.605 Emergency Calling Requirements**

- a. Pursuant to 47 C.F.R. §64.605(a)(1), "(a) Additional Emergency Calling Requirements Applicable to Internet-based TRS Providers. (1) As of December 31, 2008, the requirements of paragraphs (a)(2)(i) and (a)(2)(iv) of this section shall not apply to providers of VRS and IP Relay to which §64.605(b) applies.**

### **(2) Each provider of Internet-based TRS shall**

**(ii) Implement a system that ensures that the provider answers an incoming emergency call before other non-emergency calls (i.e., prioritize emergency calls and move them to the top of the queue);**

**BIS Demonstration of Compliance:** The BIS Platform parses and routes Emergency 911 calls so that the platform attempts to automatically identify incoming emergency calls made by VRS callers and routes, by assigning them the highest queue priority, those calls to the first available CA. To this end when an E911 call is presented to the BIS ACD, the "number to be called" field is queried, and if the field presents a data string containing the numerals "911", the ACD

identifies the call as an E911 call. Calls that are so identified are given the highest routing priority, placed at the top of the queue, and answered before all other calls.

**(iii) Request, at the beginning of each emergency call, the caller's name and location information, unless the Internet-based TRS provider already has, or has access to, a Registered Location for the caller;**

**BIS Demonstration of Compliance:** When an emergency call is received by a BIS CA, the CA first attempts to confirm the caller's identity and location, and temporarily records the caller's name, address and phone number. This procedure is done in all emergency calls, whether a name, number and location is displayed to the CA by the interpreting console, so as to provide a backup of the relevant information as well as to confirm the validity of the information presented by the system.. When the caller's location and identity is confirmed, if possible, the CA initiates the E911 response portion of the call by dialing 911 or routing the call through BIS' 911

subcontractor's ten-digit number access using the interpreting console. This passes the call to the E911 subcontractor's Emergency Call Response Center ("ECRC"). A more detailed discussion of BIS' emergency 911 call procedures is attached as confidential **EXHIBIT F**.

**(v) In the event one or both legs of an emergency call are disconnected (i.e., either the call between the TRS user and the CA, or the outbound voice telephone call between the CA and the PSAP, designated statewide default answering point, or appropriate local emergency authority), immediately re-establish contact with the TRS user and/or the appropriate PSAP, designated statewide default answering point, or appropriate local emergency authority and resume handling the call;**

**BIS Demonstration of Compliance:**

BIS CAs are trained to immediately confirm the 911 caller's identification, physical location, and phone number and how best to reach the caller in the event

of premature disconnection, and record such information so as to provide a backup. The CA then forwards the call to the PSAP and upon reaching the PSAP, BIS CAs will also verify the local ten-digit number with the PSAP in the event the voice leg of the call becomes disconnected.

If one or both legs of the call are disconnected, the BIS CA will immediately re-establish contact with the disconnected parties through the information collected.

**(vi) Ensure that information obtained as a result of this section is limited to that needed to facilitate 911 services, is made available only to emergency call handlers and emergency response or law enforcement personnel, and is used for the sole purpose of ascertaining a customer's location in an emergency situation or for other emergency or law enforcement purposes**

**BIS Demonstration of Compliance:** BIS is fully committed to strictly protecting the confidentiality of all customer proprietary information in accordance with the requirements set forth in this

section, Section 64.604(a)(2)(i). BIS further commits to be voluntarily bound by the provisions of the Commission's Customer Proprietary Network Information rules, at Section 64.2001 *et seq.*<sup>28</sup> Further information regarding BIS' privacy policies is available at <http://bisrelay.net/small-print>.

**b. E911 Service for VRS and IP Relay**

**(1) Scope.** The following requirements are only applicable to providers of VRS or IP Relay. Further, the following requirements apply only to 911 calls placed by users whose Registered Location is in a geographic area served by a Wire line E911 Network.

**(2) E911 Service.** As of December 31, 2008:

**(i) VRS or IP Relay providers must, as a condition of providing service to a user, provide that user with E911 service as described in this section;**

**(ii) VRS or IP Relay providers must transmit all 911 calls, as well as ANI, the caller's Registered Location, the name of the VRS or IP Relay provider, and the CAs identification number for**

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<sup>28</sup> 47 C.F.R §64.2001 *et seq.*

**each call, to the PSAP, designated statewide default answering point, or appropriate local emergency authority that serves the caller's Registered Location and that has been designated for telecommunications carriers pursuant to §64.3001 of this chapter, provided that "all 911 calls" is defined as "any communication initiated by a VRS or IP Relay user dialing 911";**

**BIS utilizes the** Neustar Registered Location numbering assignment administrator's database. This database is populated with assigned ten digit numbers that reflect the user's physical location so that in the event of an emergency call, such call may be routed to a local PSAP emergency authority that corresponds to/ is responsible for the caller's reported. BIS is registered with Neustar, Inc. for access to the Neustar Registered Location numbering assignment administrator's database

In support of the foregoing, BIS requests location information at the time a subscriber is first registered, and updates that information if and when



appropriate.<sup>29</sup> BIS CAs are trained to attempt to confirm the location of each 911 emergency call before directing the call to the appropriate PSAP.

BIS' ACD platform and call routing logic is designed to automatically prioritize emergency calls so that they receive the highest queue priority and are answered before all other non-emergency calls, regardless of whether or not such calls may have reached the ACD first. As noted above, BIS ensures that CAs are trained to request the caller's name and location at the beginning of any emergency call, even if the caller's registered location information is already on file with BIS and presented to the CA with the call. In the event one or both legs of an emergency call is disconnected, BIS continually ensures through training and ongoing procedural reviews and monitoring that CAs are trained in the process of re-establishing the call by reconnecting with the calling party, the PSAP, or both, as necessary.

BIS recognizes and affirms that information obtained by BIS as a result of assisting with an emergency call is confidential and will be used only for

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<sup>29</sup> See, <http://bisrelay.net/small-print/>

emergency or law enforcement purposes, and CAs are trained accordingly..

Additional information regarding BIS' compliance with emergency calling requirements and emergency calling procedures is provided in response to discussion regarding the Company's compliance with section 64.605 and is further detailed in BIS' 911 Call Handling Flow and Process, attached at confidential **EXHIBIT F**.

**(iii) All 911 calls must be routed through the use of ANI and, if necessary, pseudo- ANI, via the dedicated Wireline E911 Network; and**

**BIS Demonstration of Compliance:** BIS transmits all 911 calls using its ACD platform to the caller's appropriate local public safety answering point ("PSAP"), along with automatic number identification ("ANI")(or pseudo-ANI) based on the caller's registered location information in the Neustar Registered Location database, via a dedicated Wireline E911 network.

**(iv) The Registered Location, the name of the VRS or IP Relay provider, and the CA's identification**

**number must be available to the appropriate PSAP, designated statewide default answering point, or appropriate local emergency authority from or through the appropriate automatic location information (ALI) database.**

**BIS Demonstration of Compliance:** Upon contacting it, the registered location, the name of the VRS provider, and the CA's identification number is conveyed to the appropriate PSAP, or appropriate local emergency authority via the automatic location information ("ALI") database, as further detailed and illustrated in BIS' 911 Call Handling Flow and Process set forth under seal in confidential **EXHIBIT F**.

- 3. Service Level Obligation. Notwithstanding the provisions in paragraph (b)(2) of this section, if a PSAP, designated statewide default answering point, or appropriate local emergency authority is not capable of receiving and processing either ANI or location information, a VRS or IP Relay provider need not provide such ANI or location information; however, nothing in this paragraph affects the obligation under paragraph (c) of this section of a VRS or IP Relay provider to transmit via the Wireline E911 Network all 911 calls to the PSAP, designated statewide**

**default answering point, or appropriate local emergency authority that serves the caller's Registered Location and that has been designated for telecommunications carriers pursuant to §64.3001 of this chapter.**

**BIS Demonstration of Compliance:** When an E911 call is presented to the BIS platform and in turn a CA, before contacting the PSAP, the interpreter attempts to collect and verify the registered VRS caller's name and location. After doing so, the second leg of the call is placed to 911 whereupon the caller's identification and location information is in all cases automatically conveyed, as information embedded in the call string, or with an endpoint identifier containing data or Automatic Numbering Information ("ANI") that references an address already provisioned in the Neustar database.

If the PSAP, statewide answering point or local emergency authority is not capable of automatically receiving ANI or location information, the CA has already collected and verified the caller's name and location information and is prepared to relay that information by voice to the PSAP. As discussed above and in **EXHIBIT F**, such identification and location information is, regardless of whether or not it is capable of being received, transmitted automatically by the platform as 911 calls are delivered via the Wireline E911 to the PSAP, statewide answering point or local

emergency authority that services the callers registered location.

**4. Registered Location Requirement. As of December 31, 2008, VRS and IP Relay providers must:**

**(i) Obtain from each Registered Internet-based TRS User, prior to the initiation of service, the physical location at which the service will first be utilized; and**

**(ii) If the VRS or IP Relay is capable of being used from more than one location, provide their Registered Internet-based TRS Users one or more methods of updating their Registered Location, including at least one option that requires use only of the CPE necessary to access the VRS or IP Relay. Any method utilized must allow a Registered Internet-based TRS User to update the Registered Location at will and in a timely manner.**

**BIS Demonstration of Compliance:** Subscribers may register with BIS so as to select BIS as a preferred (default) provider, and access BIS' platform and proprietary calling clients,. In order to successfully complete this registration process, which can be initiated via the BIS website or by contacting BIS Customer Support, potential, subscribers are required to provide all necessary information, including physical location, needed to populate the Neustar Registered

Location database.

Subscribers are able to initially register and update their information, as well as access other proprietary BIS functionality, by accessing a secure Internet web site (located at <http://www.bisrelay.net>), via email, or by contacting BIS' customer service in writing or by video phone. Proper verification of a subscriber's identity is required before any profile changes may be made on their behalf. ,

BIS' policy and training require that when answering an emergency call BIS CAs verify the Registered Location information presented to them by the Neustar database, before contacting the appropriate PSAP, as noted above.

BIS provides users with specific information, available in the BIS website, on the use of customer proprietary network information to be collected for complying with 911 access requirements (See <http://bisrelay.net/small-print/>)

#### **5. STS Called Numbers (47 C.F.R. §64.604(a)(5)).**

**Standard: "Relay providers must offer STS users the option to maintain at the relay center a list of names and telephone numbers which the STS user calls. When the STS user requests one of these names, the CA must repeat the name and state the telephone number to the STS user. This information must be transferred to any new**

STS provider." <sup>30</sup>

**BIS Demonstration of Compliance:** Regardless of the fact that this requirement is waived for VRS, BIS' VRS platform has the capability to process STS calls. While it does not currently maintain a list of names and telephone numbers that STS users might call, this functionality is in development.

**6. Visual privacy screens/idle calls (47 C.F.R. §64.604(a)(6)).**

**Standard:** A VRS CA may not enable a visual privacy screen or similar feature during a VRS call. A VRS CA must disconnect a VRS call if the caller or the called party to a VRS call enables a privacy screen or similar feature for more than five minutes or is otherwise unresponsive or unengaged for more than five minutes, unless the call is a 9-1-1 emergency call or the caller or called party is legitimately placed on hold and is present and waiting for active communications to commence. Prior to disconnecting the call, the CA must announce to both parties the intent to terminate the call and may reverse the decision to disconnect if one of the parties indicates continued engagement with the call.

**BIS Demonstration of Compliance:** As a matter of policy,

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<sup>30</sup> The requirement has been waived indefinitely with regard to VRS. See *2004 TRS Report & Order*, 19 FCC Rcd at 12594 (Appendix E: Summary of IP Relay and VRS waivers).

BIS' CAs are not allowed to enable a visual privacy screen or any such feature as may hide the CA's identity, and CAs are trained accordingly. Furthermore, as a matter of policy, CAs are trained to announce their intent to terminate, and then terminate a call if the caller enables a privacy screen or similar feature for more than five minutes or is otherwise unresponsive or unengaged for more than five minutes, unless the call is a 9-1-1 emergency call or the caller or called party is legitimately placed on hold and is clearly present on the call and waiting for active communications to resume.

#### **7. International Calls (47 C.F.R. §64.604(a)(7)).**

**Standard: VRS calls that originate from an international IP address will not be compensated, with the exception of calls made by a U.S. resident who has pre-registered with his or her default provider prior to leaving the country, during specified periods of time while on travel and from specified regions of travel, for which there is an accurate means of verifying the identity and location of such callers. For purposes of this section, an international IP address is defined as one that indicates that the individual initiating the call is located outside the United States.**

**BIS Demonstration of Compliance:** BIS monitors the originating IP address of each incoming call. The company affirmatively



acknowledges that calls originating from an IP address that indicates that the individual initiating the call is located outside the United States are not compensable, and commits that that such calls shall not be submitted for compensation, unless it is first verified that such call is made by a U.S. resident who has pre-registered with his or her registered default VRSS provider prior to leaving the U.S., informing that provider that they will be traveling to a specific location during specified periods of time , and it is further accurately verified that the caller is indeed in the region they indicate they will be at the time indicated.

The BIS platform verifies upon the initiation of a call that user registration information and the inbound IP address for such call indicate that the call has originated within United States and its territories. All VRS that do not pass this check are directed to Customer Service, which is trained to inform the caller that they may not place a call from outside the U.S. unless they have pre-registered with their provider as indicated above. For those calls made by callers who have correctly pre-registered, calls are completed, but the associated Call Data Record is flagged for reconciliation. .Only after it is verified by management that the originating IP address and time of the call match the caller's pre-registered travel plans may a flagged CDR be submitted for compensation. If the CDR is not capable of being so verified, remains flagged, may not be and is not submitted for compensation and any associated costs are absorbed by BIS.

BIS notes that a number of VRS users who may place calls that originate outside of the U.S. and its territories cannot be correctly identified as being outside the U.S. and its territories by reference to the call's originating IP address, as the device they are using to place their call is registered with one of the several VRS providers who employ gateways that may present IP addresses that represent callers as being within the U.S. BIS does not employ such an inaccurately reporting gateway.

When a CA identifies such a call that presents a U.S. IP address and/or registration information, but that appears to originate outside the U.S., the CA is trained to notify management, which flags the call as not compensable, and ensures that the call not submitted for reimbursement.

**b. Technical Standards**

**1. ASCII and Baudot. (47 C.F.R. §64.604(b)(1)).**

**Standard: "TRS shall be capable of communicating with ASCII and Baudot format, at any speed generally in use.**

**BIS Demonstration of Compliance:** Text messaging is supported by the BIS Platform, and may be accessible by way of other forms of conventional text/data transmissions, including the ASCII and Baudot formats which are generated by most TRS equipment

**2. Speed of Answer. (47 C.F.R. §64.604(b)(2)).**

**Standard (i): "TRS providers shall ensure adequate TRS facility staffing to provide callers with efficient access under projected calling volumes, so that the probability of a busy response due to CA unavailability shall be functionally equivalent to what a voice caller would experience in attempting to reach a party through the voice telephone network."**

**BIS Demonstration of Compliance:** Utilizing the data collected by its ACD Platform, BIS monitors call volume on an ongoing basis, comparing past call volume and monitoring current volume in order to apply call volume analysis modeling techniques, and utilizes such techniques in forecasting future needs and ensuring that current staffing is at such a level that it meets current and predicted need. CA staffing is at all times maintained at such a level to ensure that that calls are answered in compliance with the ASA requirements.

Additional qualified interpreters are available on call should volume exceed expectations, further ensuring ASA compliance. Call center supervisors, managers, trainers and executives are interpreters and are ready to handle calls when call volume from time to time exceeds expectations.

BIS maintains and commits that 85% of all calls are/will be answered within 10 seconds or less, well exceeding the speed of answer requirement set forth in Standards (ii) and (iii) below.

**Standard (ii): "TRS facilities shall, except during network failure, answer 85% of all calls within 10 seconds by any method which results in the caller's call**

**immediately being placed, not put in a queue or on hold. The ten seconds begins at the time the call is delivered to the TRS facility's network. A TRS facility shall ensure that adequate network facilities shall be used in conjunction with TRS so that under projected calling volume the probability of a busy response due to loop trunk congestion shall be functionally equivalent to what a voice caller would experience in attempting to reach a party through the voice telephone network.**

**(A) The call is considered delivered when the TRS facility's equipment accepts the call from the local exchange carrier (LEC) and the public switched network actually delivers the call to the TRS facility.**

**(B) Abandoned calls shall be included in the speed-of-answer calculation.**

**(C) A TRS provider's compliance with this rule shall be measured on a daily basis.**

**(D) The system shall be designed to a P.01 standard.**

**(E) A LEC shall provide the call attempt rates and the rates of calls blocked between the LEC and the TRS facility to relay administrators and TRS providers upon request."**

**BIS Demonstration of Compliance:** BIS commits and affirms that it does and shall, except during network failure, answer 85% of all calls within 10 seconds of the time the call is delivered to its network by a method that results in the caller's call immediately being placed, not put in a queue or on hold. BIS further commits and affirms that it possesses adequate network facilities for use conjunction

with its provision of TRS so that under projected calling volume the probability of a busy response due to loop trunk congestion shall be functionally equivalent to or less than what a voice caller would experience in attempting to reach a party through the voice telephone network.

The scalable nature of the network facilities that BIS employs, details of which are set forth in Confidential **EXHIBIT B, attached hereto** under seal, are specifically designed so that the probability of a busy response due to loop trunk congestion is less than what a voice caller would experience in attempting to reach a party through the voice telephone network.

**Standard (iii): "Speed of answer requirements for VRS providers are phased-in as follows: ...by January 1, 2007, VRS providers must answer 80% of all calls within 120 seconds, measured on a monthly basis. Abandoned calls shall be included in the VRS speed of answer calculation.**

**BIS Demonstration of Compliance:** BIS has been in compliance with the current speed of answer requirements for VRS providers since they first became applicable in 2007., and employs the technology discussed in EXHIBIT B and the procedures discussed above so as to ensure that it is able to remain compliant at all times. .

In 2010 Birnbaum's average speed of answer metrics reflected that on average all calls were answered within 15 seconds of their being delivered to the BIS network, including abandoned calls. ASA time is projected to average less than 15 seconds in 2011, continuing to meet or exceed the requirement that it be

functionally equivalent to or less than what a voice caller experiences, and demonstrating a continuing trend of improvement.

**3. Equal access to interexchange carriers. (47 C.F.R. §64.604(b)(3))<sup>31</sup>**

**Standard: "TRS users shall have access to their chosen interexchange carrier through the TRS, and to all other operator services, to the same extent that such access is provided to voice users."**

**BIS Demonstration of Compliance:** BIS acknowledges that to the extent that a registered subscriber may now or in the future rely exclusively on BIS or another IP-based provider as their default or registered service provider, such subscriber should not, as a practical matter, require access to a Wireline interexchange or local exchange carrier. Should such a subscriber, or any dial around caller for that matter request, however, BIS possesses technical capability allowing it to route interexchange calls to the subscriber's interexchange carrier of choice and place calling card calls to carriers using the subscriber's calling card. CAs are trained to pass such requests to Customer Service, which is in turn trained to handle such calls.

As a matter of policy and practicality, BIS provides local, domestic intrastate, interstate and international long distance services at no cost to callers, absorbing such costs itself.

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<sup>31</sup> Waived until July 1, 2012. *See 2011 MMS Waiver Extension Order.*

**4. TRS facilities. (47 C.F.R. §64.604(b)(4)).**

**Standard (i): "TRS shall operate every day, 24 hours a day. Relay services that are not mandated by this Commission need not to be provided every day, 24 hours a day."<sup>32</sup>**

**BIS Demonstration of Compliance:** BIS' principal call centers, located in Louisiana and Maryland work together to schedule CAs to be on duty 24 hours per day, 7 days per week, every day of the year. Additionally, BIS provides system and center redundancy via its call center integration and ability to add additional call center capability, which it has detailed plans to do as demand increases. BIS commits to update this application with additional required and relevant information as additional call centers are added.

**Standard (ii): "TRS shall have redundancy features functionally equivalent to the equipment in normal central offices, including uninterruptible power for emergency use."**

**BIS Demonstration of Compliance:** BIS VRS ensures at all times that it maintains the appropriate redundant equipment and capability for all of its core components (ACDs, internet service, electrical power, 911 emergency call handling,

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<sup>32</sup> Amended by the FCC's *Report and Order* in CG Docket No. 03-123 and CC Docket No. 98-67, as discussed below. The *2004 TRS Report and Order* notes that pursuant to 47 C.F.R. §64.604(b)(4), "Relay services that are not mandated by this Commission are not required to be provided every day, 24 hours a day." The FCC goes on to state that "VRS is not a mandatory TRS service" and therefore not subject to perpetual staffing requirements.

VoIP services, etc.) These redundant systems and safeguards are designed so that, should they be required, they will fail over seamlessly, ensuring continuity of service.

**Standard (iii): "A VRS CA may not relay calls from a location primarily used as his or her home."**

**BIS Demonstration of Compliance:** BIS does not employ or otherwise utilize in any way CAs who relay calls from any home location. All CAs are employed in the BIS call centers set forth in **EXHIBIT A** hereto. Interpretel, a predecessor to BIS, previously employed at-home CAs, but ceased to do so prior to the effectiveness of this Standard.

**Standard (iv): "A VRS provider leasing or licensing an automatic call distribution (ACD) platform must have a written lease or license agreement. Such lease or license agreement may not include any revenue sharing agreement or compensation based upon minutes of use. In addition, if any such lease is between two eligible VRS providers, the lessee or licensee must locate the ACD platform on its own premises and must utilize its own employees to manage the ACD platform."**

**BIS Demonstration of Compliance:** BIS licenses its ACD platform from a third party that is not a provider of VRS, eligible or otherwise. The ACD platform is licensed on an established fee basis that is in no way based on revenue sharing or



compensated upon call usage. The ACD platform is physically located in BIS' leased data center and its call center locations, and is primarily accessed and managed by the Company's employees, with occasional extraordinary support by the ACD vendor. The underlying license agreement and additional evidence of BIS' compliance is attached hereto as confidential **EXHIBIT C**.

**5. Technology. (47 C.F.R.§64.604(b)(S)).**

**Standard: "No regulation set forth in this subpart is intended to discourage or impair the development of improved technology that fosters the availability of telecommunications to person with disabilities. TRS facilities are permitted to use SS7 technology or any other type of similar technology to enhance the functional equivalency and quality of TRS. TRS facilities that utilize SS7 technology shall be subject to the Calling Party Telephone Number rules set forth at 47 CFR 64.1600 et seq."**

**BIS Demonstration of Compliance:** BIS platform-agnostic philosophy means that it is constantly committed to technological improvement and innovation. Its telecommunications providers are capable of employing SS7 technology in accordance with the Calling Party Telephone Number requirements set forth at 47 CFR 64.1600 *et seq.*<sup>33</sup>

**6. Caller ID. (47 C.F.R.§64.604(b)(6)).**

**Standard: "When a TRS facility is able to transmit any calling party identifying**

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<sup>33</sup> 47 C.F.R. §§64.1600 *et seq.*

**information to the public network, the TRS facility must pass through, to the called party, at least one of the following: the number of the TRS facility, 711, or the 10-digit number of the calling party."**

**BIS Demonstration of Compliance:** To meet this requirement BIS transmits the 10-digit number of the calling party to the public network.

**c. Functional Standards**

**1. Consumer Complaint Logs. (47 C.F.R §64.604(c)(l)).**

**Standard (i): "States and interstate providers must maintain a log of consumer complaints including all complaints about TRS in the state, whether filed with the TRS provider or the State, and must retain the log until the next application for certification is granted. The log shall include, at a minimum, the date the complaint was filed, the nature of the complaint, the date of resolution, and an explanation of the resolution."**

**BIS Demonstration of Compliance:** As required by this section of the regulations, BIS maintains a continuous log of any consumer complaints received, with information on the date of the complaint, the nature of the complaint, an explanations the resolution, and the date resolved, as well as other relevant information. Complaint logs are reviewed by the Company on a regular basis to identify areas for improvement, so avoidable complaints are not repeated. Via Applicant's online complaint ticketing system, separate logs are kept for VRS and IP Relay Services, when IP relay service offerings are commenced.

Users may initiate complaints with the Company by communicating with A CA or CA supervisor, via the complaint submission portion of the company's website, via electronic mail to the Company's customer service address, or by communicating with any employee of the Company. Upon their initiation, all complaints are logged into BIS' online complaint ticketing system.

A CA supervisor (who is not the subject of the complaint) is responsible for investigating the issue, reporting it to appropriate management, and responding within 24 hours. All complaint responses and subsequent communications regarding the complaint are recorded in the complaint ticketing system. Management monitors complaints on an ongoing basis, and intervenes where appropriate.

Complaints that are technical in nature are referred automatically by the Company's complaint ticketing system to BIS Technical Support, which takes responsibility for the complaint's resolution. After business hour technical issues are addressed immediately by an on call technician. Upon determining the next appropriate steps, or a resolution to the complaint, the assigned Support Technician will either communicate with the CA who initially took the complaint, who in turn will communicate with the consumer, or will contact the consumer directly.

BIS' unique commitment to customer service standards and consumer engagement mean that the requirements of this section of the regulations are particularly central to its mission, and as such BIS undertakes to innovate in the manner and quality of its consumer outreach and education, of the Deaf and Hard-of-Hearing and hearing communities alike. To this end, BIS will also actively engage in social media channels and other forums to proactively seek out consumer input on its

services, and employ that input in a process of constant improvement.

BIS encourages all consumer communication and inquiries of any nature, as it is central to the Company's philosophy as a provider with deaf ownership to be as proactively engaged as possible in the community it serves.

**Standard (ii): "Beginning July 1, 2002, states and TRS providers shall submit summaries of logs indicating the number of complaints received for the 12-month period ending May 31 to the Commission by July 1 of each year. Summaries of logs submitted to the Commission on July 1, 2001 shall indicate the number of complaints received from the date of OMB approval through May 31, 2001."**

**BIS Demonstration of Compliance:** BIS affirms its commitment to submit complaint logs on an annual basis, as required by this standard and the Commission.

**2. Contact Persons. (47 C.F.R. §64.604(c)(2)).**

**"Contact persons. Beginning on June 30, 2000, State TRS Programs, interstate TRS providers, and TRS providers that have state contracts must submit to the Commission a contact person and/or office for TRS consumer information and complaints about a certified State TRS Program's provision of intrastate TRS, or, as appropriate, about the TRS provider's service. This submission must include, at a minimum, the following:"**

**Standard(i): "The name and address of the office that receives complaints,**

**grievances, inquiries, and suggestions."**

**BIS Demonstration of Compliance:**      The senior individual responsible to receive complaints, grievances, inquiries, and suggestions for BIS is:

**Nancie Alcock**  
**Vice President, Operations**  
**BIS Relay, LLC**  
**Email:**      **Nancie.Alcock@BISRelay.net**  
**Voice/TTY:**   **877-439-4992**  
**Fax:**          **210-698-0956**  
**Website:**     **www.BISRelay.net**  
**Twitter:**      **@BISRelay**

As noted above, each company employee is trained and required to immediately report any complaints they may receive, informing their supervisor, entering the complaint into the Company's online complaint ticketing system, and either pursuing such complaint to a timely solution or escalating such complaint to senior certified interpreter customer service representatives. In each case, whether or not a complaint is escalated, all individuals involved in its resolution are required to document the complaint and the steps taken to resolve it, and all complaints are subject to supervisory review.

BIS commits informing the Commission in a timely manner of any changes in contact information for the senior individual responsible for complaints.

**Standard(ii): "Voice and TTY telephone numbers, fax number, e-mail address, and web address;"**

**BIS Demonstration of Compliance:**

Please refer to Standard (i), above.

**Standard(iii): "The physical address to which correspondence should be sent."**

**BIS Demonstration of Compliance:**

Correspondence should be sent to:

**Wesley N. Waite, Sr.  
CEO  
BIS Relay, LLC  
8920 Fair Oaks Parkway  
Fair Oaks Ranch, TX 78015**

**3. Public Access to Information. (47 C.F.R. §64.604(c)(3)).**

**Standard: "Public access to information. Carriers, through publication in their directories, periodic billing inserts, placement of TRS instructions in telephone directories, through directory assistance services, and incorporation of TTY numbers in telephone directories, shall assure that callers in their service areas are aware of the availability and use of all forms of TRS. Efforts to educate the public about TRS should extend to all segments of the public, including individuals who are Hard of Hearing, speech disabled, and senior citizens as well as members of the general population. In addition, each common carrier providing telephone voice transmission services shall conduct, not later than October 1, 2001, ongoing education and outreach programs that publicize the availability of 711 access to TRS in a manner reasonably designed to reach the largest number of consumers possible."**

**BIS Demonstration of Compliance:** Utilizing a wide array of available channels, including conventional media, social media, its website and

participation in in person events, BIS proactively engages in public outreach to educate consumers regarding how to access and use its services, as well as to promote the ongoing use of VRS by the community the system was designed to benefit. By being proactively engaged with its consumers, BIS endeavors to reach as wide as possible an audience of Deaf, Hard of Hearing and speech disabled individuals, senior citizens, and the public at large..

BIS and its predecessors have employed and will continue to employ targeted and broadcast web ads, has placed information in various related community publications and event programs. and has visited in person numerous tradeshow and expos in its efforts to reach the largest number users and potential users as possible and educate them as to the potential benefits of VRS. As a company directly linked to the community it serves, BIS finds that it is especially effective in communicating with Deaf and Hard of Hearing consumers, especially at in-person events.

In a manner similar to that employed by conventional telecom providers, online and social media are used to complement in-person consumer interaction, as well a to provide constant consumer engagement and ongoing education, in an effort to communicate with the widest array as possible of individuals who stand to benefit from VRS.

The Company provides public access to detailed information about TRS availability and use on the Company's website, and by request via mail and social media channels.

**4. Rates.** (47 C.F.R §64.604(c)(4)).

**Standard: "TRS users shall pay rates no greater than the rates paid for functionally equivalent voice communication services with respect to such factors as the duration of the call, the time of day, and the distance from the point of origination to the point of termination."**

**BIS Demonstration of Compliance:** As none of BIS' subscribers have been or will be charged for BIS' VRS service, they do not pay rates greater than those paid for functionally equivalent voice communication services, and this standard is effectively inapplicable. For additional information please see BIS Demonstration of Compliance regarding Types of Calls (47 C.F.R. §64.604(a)(3)), above.

**5. Jurisdictional Separation of Costs. (47 C.F.R. §64.604(c)(5)(iii)(C)).<sup>34</sup>**

**Standard (1): "*Data Collection and Audits from TRS Providers*. TRS providers seeking compensation from the TRS Fund shall provide the administrator with true and adequate data, and other historical, projected and state rate related information reasonably requested to determine the TRS Fund revenue requirements and payments. TRS providers shall provide the administrator with the following: total TRS minutes of use, total interstate TRS minutes of use, total TRS investment in general in accordance with part 32 of this chapter, and other historical or projected information reasonably requested by the administrator for purposes of computing payments and revenue requirements.**

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<sup>34</sup> Standards (i), (ii), (iii)(A) and (iii)(B) require no response, and are acknowledged by Applicant.



**Standard (2): "Call data required from all TRS providers. In addition to the data requested by section 64.604(c)(5)(iii){C}(l), TRS providers seeking compensation from the TRS Fund shall submit the following specific data associated with each TRS call for which compensation is sought: (1) the call record ID sequence; (2) CA ID number; (3) session start and end times noted at a minimum to the nearest second; (4) conversation start and end times noted at a minimum to the nearest second; (5) incoming telephone number and IP address (if call originates with an IP-based device) at the time of the call; (6) outbound telephone number (if call terminates to a telephone) and IP address (if call terminates to an IP-based device) at the time of call; (7) total conversation minutes; (8) total session minutes; (9) the call center (by assigned center ID number) that handled the call; and (10) the URL address through which the call is handled.**

**BIS Demonstration of Compliance:** BIS has applied with and thus given notice to the Fund Administrator of its desire and intention to directly participate in the Fund.

BIS affirmatively acknowledges its obligation to provide the Fund administrator with true and adequate data, and any other historical, projected and state rate related information reasonably requested to determine the TRS Fund revenue requirements and payments in accordance with the requirements set forth in 47 C.F.R. §64.604(c)(5)(iii)(C)(l) and (2), and any such additional procedures adopted by the administrator.

All BIS call data is generated and stored by the Company's ACD platform by virtue of its automated data recording functionality. CAs are not, at any time, able to

manually initiate, end, enter, or otherwise alter such data, except to the extent they are able to initiate and end calls in the normal course of their duties. Furthermore, BIS call data is at all times recorded duplicated on multiple redundant servers.

To date, BIS, and its predecessors Birnbaum and Interpretel have been providing such data to the Fund Administrator through their respective certified partner providers and BIS is extensively experienced in the reporting process.

In the event a CA believes the compensability of a call is for any reason in question, that CA can flag such call for review. The call in question is then subsequently scrutinized to determine if it is for any reason not eligible for reimbursement from the fund, and if such a determination is made, such call is not included in the data submitted to the administrator for reimbursement for the applicable period.

**Standard (3): *Additional call data required from Internet-based Reilly Providers.***  
**In addition to the data required by section 64.604(c)(5)(iii)(C)(2), Internet-based Relay Providers seeking compensation from the Fund shall submit speed of answer compliance data.**

**BIS Demonstration of Compliance:** BIS affirmatively acknowledges its obligation to provide speed of answer compliance data to the Fund administrator and Commission, at such time and in such manner as they may determine.<sup>35</sup>

**Standard (4): "Providers submitting call record and speed of answer data in**

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<sup>35</sup> Please refer to BIS Speed of Answer compliance, *supra*.

**compliance with sections 64.604(c)(5)(iii)(C)(2) and (3) shall (i) employ an automated record keeping system to capture such data required pursuant to section 64.604(c)(5)(iii)(C)(2) for each TRS call for which minutes are submitted to the fund administrator for compensation; and (ii) submit such data electronically, in a standardized format. For purposes of this subparagraph, an automated record keeping system is a system that captures data in a computerized and electronic format that does not allow human intervention during the call session for either conversation or session time."**

**BIS Demonstration of Compliance:** BIS affirmatively acknowledges its obligation to provide data through an automated record keeping system that does not allow human intervention during the call session for either conversation or session time, which captures all required data, that formats such data in a standardized manner for reporting, and report it as required. This obligation is met by the automatic call data record recording and processing functionality of the Company's ACD, and overseen by individuals with extensive experience in the submission of call data records gained by performing such a function for other certified and non-certified providers.

**Standard (5): *Certification*.** The chief executive officer (CEO), chief financial officer (CFO), or other senior executive of a TRS provider with first hand knowledge of the accuracy and completeness of the information provided, when submitting a request for compensation from the TRS Fund must, with each such request," certify the truth and accuracy of the data and that such requests

**for compensation to not result from “impermissible financial incentives or payments to generate calls” pursuant to Section 225 of the Communications Act and the Commission's rules and orders.**

**BIS Demonstration of Compliance:** BIS affirmatively acknowledges its obligation and commitment to, and affirms that it will, certify through its Chief Executive Officer that each and every request for compensation submitted by BIS is truthful, accurate, and does not result from any impermissible financial incentives or payments to generate calls or contain any fraudulent information or data.

**Standard (6): *Audits*.** The fund administrator and the Commission, including the Office of Inspector General, shall have the authority to examine and verify TRS provider data as necessary to assure the accuracy and integrity of TRS Fund payments. TRS providers must submit to audits annually or at times determined appropriate by the Commission, the fund administrator, or by an entity approved by the Commission for such purpose. A TRS provider that fails to submit to a requested audit, or fails to provide documentation necessary for verification upon reasonable request, will be subject to an automatic suspension of payment until it submits to the requested audit or provides sufficient documentation.

**BIS Demonstration of Compliance:** BIS affirmatively acknowledges its obligation to, and affirms that it will, submit annually or at such times as determined by the auditing entity, to audits required by the Fund administrator and/or the Commission, including the Office of Inspector General. BIS commits to provide

all such data and documentation as requested by the auditing entity in relation to such audits for examination and verification of the data submitted by BIS as necessary to assure the accuracy and integrity of TRS Fund payments and such data submitted by BIS.

**Standard (7): *Call data record retention.* Internet-based TRS providers shall retain the data required to be submitted by this section, and all other call detail records, other records that support their claims for payment from the TRS Fund, and records used to substantiate the costs and expense data submitted in the annual relay service data request form, in an electronic format that is easily retrievable, for a minimum of five years**

**BIS Demonstration of Compliance:** BIS affirmatively acknowledges its obligation to, and affirms that it will, retain the data required to be submitted by this section, and to retain all other call detail records, as well as other records that support its claims for payment from the TRS Fund, and all records used to substantiate the costs and expense data submitted in the annual relay service data request form, in an electronic format that is easily retrievable, for a minimum of five years.

**d. information filed with the administrator. (47 C.F.R. 64.604(c)(5)(iii)(I))<sup>36</sup>**

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<sup>36</sup> Sections 64.604(c)(5)(iii)(D)(Reserved), 64.604(c)(5)(iii)(E), *Payments to TRS providers*, 64.604(c)(5)(iii)(F), *TRS providers eligible for receiving payments from the TRS Fund*, 64.604(c)(5)(iii)(G) *Notification the Fund Administrator of intent to participate in the Fund*, 64.604(c)(5)(iii)(H) *Administrator reporting, monitoring, and filing requirements*, 64.604(c)(5)(iii)(J)

**BIS Demonstration of Compliance:** BIS affirmatively acknowledges the obligation of its Chief Executive Officer ("CEO"), Chief Financial Officer ("CFO"), or other senior executive to, in each instance, certify, under penalty of perjury, that the minutes for which Fund compensation is requested by BIS are in compliance with section 225 and all applicable Commission rules and orders, and are not the result of impermissible financial incentives or payments to generate calls. The CEO, CFO, or other senior executive will certify under penalty of perjury to the TRS Fund administrator that such information is true and correct.

e. **Procedures for the suspension/withholding of payment.** (47 C.F.R. 64.604(c)(5)(iii)(L))

**Standard (1): The Fund administrator will continue the current practice of reviewing monthly requests for compensation of TRS minutes of use within two months after they are filed with the Fund administrator.**

**Standard (2): If the Fund administrator in consultation with the Commission, or the Commission on its own accord, determines that payments for certain minutes should be withheld, a TRS provider will be notified within two months from the date for the request for compensation was filed, as to why its claim for compensation has been withheld in whole or in part. TRS providers then will be**

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*The administrator's performance and this plan shall be reviewed by the Commission after two years, and 64.604(c)(5)(iii)(K) All parties providing services or contributions or receiving payments under this section are subject to the enforcement provisions specified in the Communications Act, the Americans with Disabilities Act, and the Commission's rules, require no response, and are acknowledged by Applicant.*

given two additional months from the date of notification to provide additional justification for payment of such minutes of use. Such justification should be sufficiently detailed to provide the Fund administrator and the Commission the information needed to evaluate whether the minutes of use in dispute are compensable. If a TRS provider does not respond, or does not respond with sufficiently detailed information within two months after notification that payment for minutes of use is being withheld, payment for the minutes of use in dispute will be denied permanently.

**Standard (3):** If, the VRS provider submits additional justification for payment of the minutes of use in dispute within two months after being notified that its initial justification was insufficient, the Fund administrator or the Commission will review such additional justification documentation, and may ask further questions or conduct further investigation to evaluate whether to pay the TRS provider for the minutes of use in dispute, within eight months after submission of such additional justification.

**Standard (4):** If the provider meets its burden to establish that the minutes in question are compensable under the Commission's rules, the Fund administrator will compensate the provider for such minutes of use. Any payment by the Commission will not preclude any future action by either the Commission or the U.S. Department of Justice to recover past payments (regardless of whether the payment was the subject of withholding) if it is determined at any time that such

**payment was for minutes billed to the Commission in violation of the Commission's rules or any other civil or criminal law.**

**Standard (5): If the Commission determines that the provider has not met its burden to demonstrate that the minutes of use in dispute are compensable under the Commission's rules, payment will be permanently denied. The Fund administrator or the Commission will notify the provider of this decision within one year of the initial request for payment.**

**BIS Demonstration of Compliance:** BIS affirmatively acknowledges, and commits hereby to comply with the above and all subsequently promulgated procedures and standards regarding the suspension and/or withholding of payment under Rules of the Commission, as amended.

**f. Whistleblower protections. (47 C.F.R. 64.604(c)(5)(iii)(M))**

**Standard: Providers shall not take any reprisal in the form of a personnel action against any current or former employee or contractor who discloses to a designated manager of the provider, the Commission, the TRS Fund administrator or to any federal or state law enforcement entity, any information that the reporting person reasonably believes evidences known or suspected violations of the Communications Act or TRS regulations, or any other activity that the reporting person reasonably believes constitutes waste, fraud, or abuse, or that otherwise could result in the improper billing of minutes of use to the TRS Fund and discloses that information to a designated manager of the provider, the Commission, the TRS Fund administrator**



**or to any federal or state law enforcement entity. Providers shall provide an accurate and complete description of these TRS whistleblower protections, including the right to notify the FCC's Office of Inspector General or its Enforcement Bureau, to all employees and contractors, in writing. Providers that already disseminate their internal business policies to its employees in writing (e.g. in employee handbooks, policies and procedures manuals, or bulletin board postings - either online or in hard copy) must include an accurate and complete description of these TRS whistleblower protections in those written materials.**

**BIS Demonstration of Compliance:** BIS affirmatively acknowledges its obligations under, and agrees to comply with the spirit and the letter of the Whistleblower protections promulgated under the amended Commission rules. BIS further commits that it shall not take any reprisal in the form of a personnel action, or in any other form, against any current or former employee or contractor who discloses to a designated manager of the provider, the Commission, the TRS Fund administrator or to any federal or state law enforcement entity, any information that the reporting person reasonably believes evidences known or suspected violations of the Communications Act or TRS regulations, or any other activity that the reporting person reasonably believes constitutes waste, fraud, or abuse, or that otherwise could result in the improper billing of minutes of use to the TRS Fund and discloses that information to a designated manager of the provider, the Commission, the TRS Fund administrator or to any federal or state law enforcement entity.

BIS commits to provide an accurate and complete description of the above whistleblower protections, including the right to notify the FCC's Office of the Inspector General or its Enforcement Bureau of any suspect activity, to all employees and contractors,

in writing.

To such end, BIS commits to provide all employees and contractors with the following information, either in the Company's Employee Handbook, or under separate cover: A copy of the Company's Employee Handbook, as well as certain training materials, is attached hereto under seal as confidential **EXHIBIT H**.

#### **BIS Whistleblower Policy:**

BIS will not at any time advance any reprisal, discrimination, or punitive action against any current or former employee or contractor who discloses to BIS management or owners, a violation of this Code of Ethics or discloses conduct that is reasonably believed to result in waste, fraud, or abuse or otherwise may result in the improper submission of minutes for reimbursement to the TRS Fund Administrator. Further, this Whistleblower Policy extends these same employment protections to those who report allegations of violations to law enforcement or regulators in regard to those policies, procedures, rules, laws, and orders implemented by local, state, the Federal Communications Commission, the FCC's Office of Inspector General or its Enforcement Bureau or other federal authorities. Current or former employees and contractors have the ability to make disclosures either anonymously or by identifying themselves to Company management or to local, state, or federal authorities. All reports will be handled confidentially in the effort to completely investigate accusations of wrongdoing.

**g. Additional Obligations.** (47 C.F.R. 64.604(c)(5)(iii)(N))

**1. *Eligibility for reimbursement from the TRS Fund.***

**Standard (i): Only an eligible VRS provider, as defined in subsection (c)(5)(iii)(F), may hold itself out to the general public as providing VRS.**

**BIS Demonstration of Compliance:** The Company commits to comply fully with the above, and applies herein to become such an eligible provider.

**Standard (ii): VRS service must be offered under the name by which the eligible VRS provider offering such service became certified and in a manner that clearly identifies that provider of the service. Where a TRS provider also utilizes sub-brands to identify its VRS, each sub-brand must clearly identify the eligible VRS provider. Providers must route all VRS calls through a single URL address used for each name or sub-brand used.**

**BIS Demonstration of Compliance:** BIS affirmatively acknowledges and shall comply with its obligation hereunder to identify itself to the public as the Fund eligible certified entity, which in this case is BIS Relay, LLC.

As of the date first written above, BIS has ceased to provide interpreting services for any third parties, or to utilize or provide any

interpreting services, except that the Company continues to utilize its affiliate SkyVRS brand for its Spanish language specific interpreting.<sup>37</sup>

The Company may, with the Commissions consent and prior notice utilize multiple URL accesses to address BIS branded services for specific language/skill needs such as, for example, DB.BISVRS.COM for Deaf/blind/low vision consumers.

When BIS branded services or sub- brands are to be used, BIS will comply with its obligations to clearly identify each skill or language specific a sub-brand as a sub-brand of "BIS Relay, LLC" the certificated entity, to ensure that the public recognizes "BIS Relay, LLC" as the certified provider. Further, BIS has created a single URL address for each sub-brand used.

Current BIS URLs are included in confidential **EXHIBIT G**, submitted under seal.

**Standard (iii): An eligible VRS provider may not contract with or otherwise authorize any third party to provide interpretation services or call center functions (including call distribution, call routing, call setup, mapping, call features, billing, and registration) on its behalf, unless that authorized third party also is an eligible provider.**

**BIS Demonstration of Compliance:** Since each of their inception, at present, and until grant of this Application, it has

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<sup>37</sup>Only so far as may be done so in compliance with . (47 C.F.R. 64.604(c)(5)(iii)(N)

been necessary for BIS and its predecessors to bill for reimbursement by working under the aegis of a certified provider. While it remains unclear if such practice remains permissible, BIS commits to remain compliant at all times, and if necessary shall absorb any unreimbursable costs it may incur until the grant of its certification hereunder or until such time as an applicable waiver or similar action is promulgated. BIS does not now, nor will it, contract with or otherwise authorize any third party that is not an eligible provider or ineligible provider to provide interpretation services or call center functions (including call distribution, call routing, call setup, mapping, call features, billing, and registration) on its behalf.

**Standard (iv): To the extent that an eligible VRS provider contracts with or otherwise authorizes a third party to provide any other services or functions related to the provision of VRS other than interpretation services or call center functions, that third party must not hold itself out as a provider of VRS, and must clearly identify the eligible VRS provider to the public. To the extent an eligible VRS provider contracts with or authorizes a third party to provide any services or functions related to marketing or outreach, and such services utilize VRS, those VRS minutes are not compensable on a per minute basis from the TRS fund.**

**BIS Demonstration of Compliance:** Except as follows, BIS does not contract for any services or functions related to the provision of

VRS, as may be verified by the Commission through a review of the entirety of BIS' contracts. SKYVRS, an affiliate of BIS which BIS utilizes for the provision of Spanish language interpreting, at all times after BIS is granted certification shall clearly identify BIS as the eligible VRS provider to the public, so long SKYVRS does not possess its own certification.

To the extent, when eligible BIS, currently at any point in the future contracts with or authorizes a third party to provide any services or functions related to marketing or outreach, and such services utilize VRS, BIS acknowledges that such VRS minutes are and shall not be compensable on a per minute basis from the TRS fund, and commits to not submit any such minutes for reimbursement.

**Standard (v): All third-party contracts or agreements entered into by an eligible provider must be in writing. Copies of such agreements shall be made available to the Commission and to the TRS Fund administrator upon request.**

**BIS Demonstration of Compliance:** BIS acknowledges its obligation under this standard. It is BIS' standard practice to enter into all third party agreements in writing, BIS is and at all times shall remain prepared to provide all such contracts or agreements to the Commission or its designated auditor upon request

**2. *Call center reports.* VRS providers shall file a written report with the**

**Commission and the TRS Fund administrator, on April 1 and October 1 of each year for each call center that handles VRS calls that the provider owns or controls, including centers located outside of the United States, that includes: (a) the complete street address of the center; (b) the number of individual CAs and CA managers; and (c) the name and contact information (phone number and email address) of the manager(s) at the center. VRS providers shall also file written notification with the Commission and the TRS Fund administrator of any change in a center's location, including the opening, closing, or relocation of any center, at least 30 days prior to any such change.**

**BIS Demonstration of Compliance:** BIS affirmatively acknowledges its responsibility to, and commits that it shall, make semi-annual call center reports to the Commission and Fund Administrator on or before April 1 and October 1 of each year, or at such other time as the Commission and Fund Administrator may require.

- 3. *Compensation of CAs.* VRS providers may not compensate, give a preferential work schedule or otherwise benefit a CA in any manner that is based upon the number of VRS minutes or calls that the CA relays, either individually or as part of a group.**

**BIS Demonstration of Compliance:** BIS has never in the past, nor does it now, compensate, give a preferential work schedule or otherwise offer any benefit to any CA in any manner that is based upon the number,

volume or length of VRS minutes or calls that the CA relays, either individually or as part of a group. BIS agrees and acknowledges that any such practice would be improper, and shall not engage in any such or any similar practice at any time in the future.

4. ***Remote training session calls.*** VRS calls to a remote training session or a comparable activity will not be compensable from the TRS Fund when the provider submitting minutes for such a call has been involved, in any manner, with such a training session. Such prohibited involvement includes training programs or comparable activities in which the provider or any affiliate or related party thereto, including but not limited to its subcontractors, partners, employees or sponsoring organizations or entities, has any role in arranging, scheduling, sponsoring, hosting, conducting or promoting such programs or activities.

**BIS Demonstration of Compliance:** BIS affirmatively acknowledges that no BIS employee VRS calls of any kind, including those involving remote training session or a similar or comparable activity, are compensable, and commits that such calls shall not be submitted for reimbursement from the TRS Fund. BIS further affirms that neither it nor its predecessors have at any time in the past sought Fund compensation for such calls, nor shall they.



**IV. COMPLIANCE WITH CERTAIN WAIVED MANDATORY MINIMUM  
STANDARDS FOR THE PROVISION OF FEDERALLY-FUNDED VRS (47**

C.F.R§64.606(a)(2)(ii))<sup>38</sup>

BIS continues to, and shall continue to, comply with the majority of those MMS that have been waived for VRS subscribers, as follows:

**a. *One-line VCO, and VCO-to-VCO.***

**BIS Demonstration of Compliance:** BIS has complied with the *One-line VCO, and VCO-to-VCO* requirement since its inception, as have its predecessors. BIS has the capability of providing VRS for all call types, including *One-line VCO, and VCO-to-VCO* calls.

**b. *One-line HCO, and HCO-to-HCO***

**BIS Demonstration of Compliance:** BIS has complied with the *One-line HCO, and HCO-to-HCO* requirements since their inception, as have its predecessors.

**c. *Call Release.* Call release allows a CA to set up a TIY-to-TTY call that, once established, does not require the CA to relay the conversation.**

**BIS Demonstration of Compliance:** BIS has complied with the Call Release requirement since its inception, as have its predecessors. Although BIS maintains this capability through call bridging, it has never had to process a TTY- to-

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<sup>38</sup> See 2011 VRS Waiver Extension Order.

TTY call.

- d. ***Pay-Per-Call (900) calls.*** Pay-per-call (900) calls are calls that the person making the call pays for at a charge greater than the basic cost of the call.

**BIS Demonstration of Compliance:** BIS has processed no such calls, but has the capability to do so in the event such calls are placed in the future.

- e. ***Types of Calls (Operated Assisted Calls and Long Distance Calls).*** Commission rules require TRS providers to handle any type of call normally handled by common carriers.

**BIS Demonstration of Compliance:** BIS maintains procedures that enable use of operator assisted calling through the caller's preferred carrier or BIS' default presubscribed carrier's operator services, and the ability to pass along caller credit card information for purposes of billing pay-per-call calls. Since its inception, BIS has not billed callers for long distance services, consistent with Equal Access obligations.

- f. ***Equal Access to interexchange Carriers.*** The TRS rules require that providers offer TRS users their interexchange carrier of choice to the same extent that such access is provided to voice users. Providers should specifically address the effect of the numbering and registered location requirements on the continuing need for this waiver.

**BIS Demonstration of Compliance:** BIS has complied with the *Equal Access to interexchange Carriers* requirement since its inception, as have its predecessors, by not charging callers to place long distance calls. BIS would argue that the new numbering and registered location requirements adopted in 2009 might moot the very need to maintain this exemption. Subscribers are effectively presubscribed to each VRS provider. It is virtually inconceivable that a subscriber would request to be routed to an interexchange carrier. The Deaf community has come to expect that interexchange calls placed via VRS will not be subject to separate charges. Those subscribers who may also maintain separate interexchange services are otherwise not impacted. BIS has not experienced an instance where a caller has requested to be routed over a specific interexchange carrier before or after implementation of the numbering and registered location requirements. Nevertheless, BIS urges the Commission to solicit public comment before removal of the waiver to build a record supporting a decision to terminate the waiver.

- g. ***Speech-to-Speech.*** In the 2000 TRS Report & Order, the Commission recognized STS as a form of TRS and required that it be offered as a mandatory service. The Commission waived this requirement indefinitely for VRS, noting that STS is a speech-based service, whereas VRS is a visual service using interpreters to interpret in sign language over a video connection.

**BIS Demonstration of Compliance:** As is the case with TTY-to-TTY calls, BIS maintains the technical capability to process such calls, though in BIS' experience, demand for such calls minimal.

## V. ADDITIONAL COMPLIANCE REQUIREMENTS

In addition to the foregoing, BIS affirmatively acknowledges, and affirms that it shall at all times will comply with, all applicable regulations associated with the provision of VRS including but not limited to, Sections 64.611 - Internet-based TRS registration, and 64.613 - Numbering directory for Internet-Based TRS users, as amended, as well as all applicable Commission orders and policies, as they may be amended from time to time.<sup>39</sup>

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<sup>39</sup> Regarding newly promulgated Section 64.611(f) (redesignated from Section 64.611(e), BIS has not ever assigned a toll free number to any subscriber. However, BIS Customer Support does accommodate subscribers in directing them on how to obtain toll free numbers for themselves as well as being prepared to associate those numbers for use with BIS VRS.

Pursuant to Section 64.613, BIS assigns geographically appropriate North American Numbering Plan numbers to subscribers in accordance with the ten-digit numbering requirements. *See, e.g. In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, 911 Requirements for IP-Enabled Service Providers, Internet-Based Telecommunications Relay Service Numbering et al.*, CG Docket No. 03-123, WC Docket Nos. 05-196 and 10-191, *Report and Order*, FCC11-123 (Aug. 4, 2011).

## **VI. PUBLIC INTEREST SHOWING**

BIS maintains that the grant of the Application contained herein is most strongly in the public interest.

As a VRS provider with substantial Deaf ownership, as well as extensive experience borne of working with a number of certified and non-certified providers in the past on a company and individual level, BIS has a unique and deep knowledge of the needs of the Deaf and Hard of Hearing communities, to whose benefit the TRS program is primarily intended. Granting BIS' certification and thereby promoting the growth of Deaf ownership within the VRS industry will not only serve to invest responsibility for and the benefits of VRS certification within the community that VRS is intended to serve, but will also serve to better the provision of VRS as a whole, by all providers, by ensuring the continued existence of and service to the Deaf and Hard of Hearing community by a VRS provider that fundamentally understands such community's needs in a manner that a provider lacking Deaf ownership simply cannot.

BIS' certification will provide the public generally, and the Deaf and Hard of Hearing communities specifically, with not just another provider, but a provider with a unique and vital perspective on and responsibility to the community that VRS is intended to serve. Conversely, failure to certify BIS in a timely manner is essentially the same as commanding BIS to close its doors, and BIS maintains that shuttering one of a very few VRS providers with substantial Deaf ownership is profoundly in opposition to the public interest, not only in the form of the lost jobs and investment that such an event would represent, but also in the statement that such an event would make to the community that VRS is intended to serve. Deaf ownership of a VRS provider is fundamentally in the interest of the health of the TRS industry as a whole, as it provides a

mechanism for the needs of the consumers to be directly expressed in the policies of a provider, BIS.

Furthermore, BIS has developed an in-depth Technology Roadmap, a summary of which is attached hereto under seal as Confidential **EXHIBIT I**. BIS understands the need for intelligent and efficient technology planning and development so as to ensure the future vitality and utility of the VRS industry and TRS as a whole, and as such this aggressive plan of development encompasses both short-term and long-term goals for ever improving technology solutions. From the offset, these in-development and to-be-developed technologies and applications will benefit from and grow out of the BIS Platform, which is to date one of the most robust and flexible in the industry. This, coupled with the extremely close relationship BIS' management has with the platform manufacturer, plus the extraordinary background the BIS team has in the telecom and technology fields, will allow BIS to quickly and seamlessly work toward accomplishing its planned technology goals, as well as to meet any technological hurdles or developments that may face it or the VRS industry as a whole in the future.

The sort of proactive technology planning the BIS Technology Roadmap represents is essential to making the best possible technology investment decisions, and therefore the best use of funds that may originate in the TRS Fund, by identifying critical technologies and technology gaps and identifying the best ways to leverage R&D investments so as to achieve the goal of ever improving consumer ease of access, and therefore ever greater functional equivalency. By taking into account evolving technologies and consumer desires, BIS' Technology Roadmap is designed to keep BIS ahead of the game while maximizing dollars invested in development.

With the primary goal of ensuring that all development is focused improving the quality of communications for the Deaf and Hard of Hearing, the BIS Roadmap is representative of the sort of

provider BIS is and shall be as when certified. It is most definitely in the public interest to advance technological development while maximizing investment, as doing so represents one of the best possible uses of the TRS Fund, and at all times is in the service of the goal of functional equivalency. BIS believes that current communication offerings for the Deaf and Hard Of Hearing are adequate, but still are not at the same level and quality as that offered by the telecom industry to the general hearing public. Therefore, supporting the sort of development that BIS' technology goals represents is clearly in the interest of the public, as well as representative of the purposes for which the TRS fund was established and is maintained.

## **VII. CONCLUSION**

BIS demonstrates by the instant Application, the Exhibits, and the statements made herein by the Company's Chief Executive Officer, under penalty of perjury, that it meets or exceeds the Commission's MMS, has met each of the Commission's certification requirements, as amended, and is otherwise in compliance with Commission orders and policies governing the provision of video relay services as a federal Telecommunications Relay Service Fund eligible certificated provider. BIS has, by way of its predecessors' multiple applications for certification under the then current rules, demonstrated an ongoing commitment to compliance, to which it adds the vital component of Deaf ownership. It has also made a commitment to not only its own excellence, but to the excellence of the TRS industry as a whole as well.

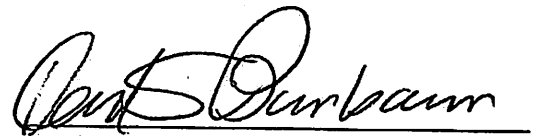
Accordingly, BIS hereby respectfully requests that the Commission grant it certification as a Telecommunications Relay Service provider eligible for reimbursement from the TRS Fund. BIS further requests that it be granted certification as a Telecommunications Relay Service Fund reimbursement eligible provider, or such provisional certification as may allow it to continue to operate and to seek compensation while this Application is reviewed by the Commission, on or before October 1, 2011, so as to ensure that it may continue to serve its subscribers and the community as a whole uninterrupted.

A Verification attesting to the truth, accuracy, and completeness of this Application under penalty of perjury, is attached.

[Signature Page Follows]




Respectfully submitted this 26<sup>th</sup> day of September, 2011

A handwritten signature in cursive script, reading "David S. Birnbaum", written over a horizontal line.

David S. Birnbaum

President

A handwritten signature in cursive script, reading "Wesley N. Waite, Sr.", written over a horizontal line.

Wesley N. Waite, Sr.

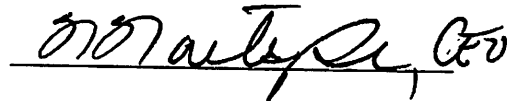
CEO

STATE OF TEXAS  
COUNTY OF KENDALL

)  
) ss.  
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**VERIFICATION**

I swear under penalty of perjury that I am Wesley N. Waite, Sr, Chief Executive Officer BIS Relay, Inc., an officer of the above-named applicant, and that I have examined the foregoing submissions, and that all information required under the Commission's rules and orders has been provided and all statements of fact, as well as all documentation contained in this submission, are true, accurate, and complete.



Wesley N. Waite, Sr.

CEO

Subscribed and sworn to or affirmed before

me this 26<sup>th</sup> day of September, 2011.



Notary Public

(Affix seal or stamp)

